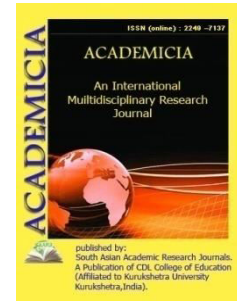




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EXISTENCE AND ITS COMPONENTS "A NEW APPROACH"

Abdukhalikov Safar*

*Professor of the University of Public Security,
 Doctor of philosophical sciences,
 Under the National Guard of the Republic of UZBEKISTAN

ABSTRACT

This first article, which consists of a series of articles, highlights the doctrine of existence (being), social existence, cultural existence, substance, the law of social consciousness, the dialectical and cultural interpretation of the history of the legal culture of society and its methodological significance in understanding the laws, including the right to freedom of thought.

KEYWORDS: *Existence, Social Existence, Dialectical And Culatural Interpretation Of The History, Cultural Existence, Substance, Social Existence, Social Mind, Legal Culture Of The Society, The Right To Freedom Of Thought.*

INTRODUCTION

The notion of existence and its structural components. The universe as a whole has a specific system and general laws of relativity. It is the subject of general philosophy as an object to be studied by its common regulations. The general teaching, that is, social philosophy studies society and, in other words, social life, or social existence, as an integral part of a whole existence, and relies on general philosophy. General philosophy consists of a unity of ontological and dialectical teachings about existence. The issue of existence is the primary and central worldview division that determines the existence of different forms of thinking at all levels.

Existence means being. As a general philosophical concept, it contains the whole world and all existences in it, consisting of things, events and processes. Consequently, the world, the matter, events, and processes in it, have a common unity and common connection with all their properties, which is expressed in the category of being. Knowing an entity as a whole system of parts, including the general existence, is of the importance of worldview for the scientists studying each specific field and object.

It is well known that dividing the existence into parts, and putting a “Chinese wall” between

them, is relative. In our view, existence is essentially composed of natural (1) and social (2) (which means society or social life) beings. It is also divided into material (1) and spiritual (2) existences if it can be recognized as having an onto functional state. According to its dialectical development, a part of a material existence is also an integral part of a social existence. Similarly, a certain part of spiritual existence is an aspect and a regulatory process of nature (for example, the psyche of animals) and the rest of the higher part of society (at this point it can also be called a spiritual existence).

Like a natural being, a certain part of social existence is a material being, that is, matter. In a natural being, the material existence is thought to be the main and the first element. But the material component of social existence is inextricably linked with human mind. Because the socio-material existence consists of cultural and non-cultural parts, in which the former determines the onto functional state of the latter. And because the first part of social existence, which is the material cultural component, is established through human mind. This is the main difference between natural material existence and social material existence. In the same way, like a certain part of a social existence, the second part of a natural existence is a spiritual existence. The second part of the natural existence is the psyche of animals. The concept of "spirit" refers to the spiritual existences of animals and humans. The animal psychic world is indeed a higher component of the natural existence, which is explained by the existence of the first signal system and the absence of the second signal system which consequently means the absence of abstract thinking.

Social existence is divided into cultural existence and non-cultural social existence according to its ontological state, and according to the state of functioning, it consists of the material, spiritual and political-legal life of man and its social units. Cultural existence is a part of humans' existences as it is created by them to process reality in order to maintain their own existence. With the emergence of a cultural existence, a society is formed, and with its development, the history of the individual develops. It forms the core of society. Depending on it, the next parts of society emerge. Such an approach to social reality is dialectical and cultural understanding of history. If we look at society, from a historical point of view in terms of a dialectical cultural understanding, we see that the first, a certain part of them, is divided into cultural and the second part into non-cultural aspects. In this case, material culture is the basis of material life, political and legal cultures are the basis of political and legal life, and spiritual culture is the basis of spiritual life. It is evident that in this case matter as a material existence and the soul as a spiritual existence are the basic links that connect natural and social existences. The cultural parts of the spheres of social life form cultural existence as a whole system, on the basis of which the existence, essence and functioning of the social existence are determined. Cultural components of the spheres of cultural life form cultural existence as a whole system, and the existence of social being, its essence and functioning are determined on this basis. In addition, it should be noted that the general laws and driving forces of social life also stem from this foundation, that is, the cultural existence which is thought to be the central part.

The unity of social existence. F.J. Engels wrote, "The true unity of the universe lies in its materiality, this is proved not by a trickster phrase or two, but by the long and difficult development of philosophy and nature.". This idea is one of the conclusions about the unity of the universe. People, thinkers, have long sought to find connections, commonalities, between

things and events throughout historical development. The development of the natural sciences plays an important role in substantiating the material unity of the universe. We have said above that existence is divided into material and spiritual parts. This type of dividing is relative, and the spiritual existence is one of its processes arising from the inherent connections, interactions and the connections of the material existence. In order to determine the specificity of mental and then ideological processes, it is necessary to separate them from material existence. However, spiritual existence is one of the properties of material existence. Hence, a certain part of the properties of material existence is transferred to spiritual existence and vice versa, spiritual existence is transferred to material existence.

And the unity of a social existence lies in the interdependence of its cultural parts. The cultural parts of social existence include knowing the person and his own needs and interests in the substantial-ontological aspect, directing their activities to specific goals in order to meet these needs, and then realizing the products of activity. Satisfaction of a need and its processing ensures the essence of the cultural existence and then the unity of the existence of the social being and its continuous and uninterrupted processes. The cultural components of social existence are a single correlation unity of social, material, spiritual and political-legal cultures as they maintain the unity of social existence in relation to social location and time. Hence, the unity of a social existence lies in its cultural parts.

The core of a cultural existence is people. Human beings, are not only the central part of a cultural existence, but also its subject and social carriers. Because human creates it by processing and transmits it from generation to generation. In this way, people act not only as the main carriers and subject of cultural existence, but also of social existence in general. Humans are concrete (certain), not abstract, but biosocultural beings. At a certain stage in the development of a existence, its social form, that is, a social existence, emerges. It is a biological existence, that is, a sub form of human existence, that is, a natural existence, including itself, as a result of man's transformation into a biosocial, that is, cultural existence, that is, a human existence. But people carry out their activities in "communities", which are their social units that is, in the framework of which they are gathered, assembled, because they are born, formed and live in a "community". Simple aspects similar to the condition of such people also exist in the plant and animal world. Any plant or animal species grows and reproduces in its own specific "community". Take, for example, the "community" of bees. Whether it is a plant or an animal, or a human "community," it provides the interactions of its members with the environment. On the contrary, unless the members of the "group" are interconnected, their team cannot be formed. A community of plants and animals is formed and operated only when certain climatic, geophysical and biotic conditions are present. Community in animals is much higher in quality than in plants. In the human community, the general laws specific to the animal community are manifested in a high form. Hence, a community of people, a social existence, exists only in relation to a natural existence. Human body and the natural changes in it act as an integral part of the natural being. But the essence of human is determined by his civilized part. This civilization takes place in his "team". It follows these philosophical analyses that the "community" of human existences is also a continuation of the "communities" inherent in natural existences. The "community" takes the form of a "society", reflecting stability and permanence in relation to the world of people. The concepts of "social life", "social existence" are related to the concepts of "biological life" and

“natural existence” and are synonymous with the concept of “society”. In the scientific literature, the term “society” is, firstly, an integral part of existence, that is, a social existence, secondly, a specific whole of social life, thirdly, people’s past, present and future lives, and fourthly, its specific historical significance in terms of specificity represents the common societies of a number of people, such as primitive, slavery, feudal, capitalist, totalitarian, communist societies, fifthly, societies specific to certain regions (e.g., societies in Central Asia), and sixthly, civil societies in relation to human activities. We used the term “civilizations” to mean a country with its own state and citizens. It is clear from the above given descriptions that the concept of “society” embodies the dialectic of the transition from general to specific and from it to individual. So society has concrete views, not abstract ones. We have said above that the civilization of humanity, its transformation takes place through “communities”. Nation is one of such “communities”. Today, 37 countries around belong to one nationality with only 5 percent of the world’s minorities.³ But there are also multinational countries like Albania, Armenia, Barbados, Hungary, Ireland, Yemen, Malta, Poland, Jamaica. A national country is a certain view of society as a whole. When a nation is independent, it determines its own destiny on the basis of a social entity that has a certain historical structure. In particular, it adopts its own laws based on its own needs and interests. The Law of the Republic of Uzbekistan “On Freedom of Thought and Religious Organizations” adopted by the Supreme Council of the Republic on June 14, 1991 or the Criminal Code of the Republic of Uzbekistan adopted on September 22, 1994 can be an example of this.

The transition from the concept of “existence” to the concept of “social existence” and to the concept of “cultural existence” is in fact a transition from the first order of abstraction to concreteness (certainty) in the knowledge of social phenomena, including criminal law and the right to freedom of thought. Moving from a second-order abstraction to a certain one in the knowledge of social phenomena, including criminal law and the right to freedom of thought the transition from it to the concept of “human” and “community”, including “nation”, interpreting the social being as a whole organism, that is, society. Analysis of social phenomena from the abstraction of the first and second order to the concrete allows to move from the concept of cultural being to the concept of legal culture and from it to the concept of criminal law and the right to freedom of thought and to clearly see their social basis. Thus, the onto functional state of the Criminal Code and the Law on Freedom of Thought and Religious Organizations in the system of existence has the following microelemental nature in relation to existence: existence (whole); social existence, which is society (part); cultural existence, including man and community (megaelement); legal culture (macroelement); the Criminal Code and the Law on Freedom of Thought and Religious Organizations (microelements). Again, in this case, the nation acts as one of the types of community, that is, as a mega element. Thus, the Criminal Code, the Law on Freedom of Thought and Religious Organizations act as a microelement in relation to it in the system of existence. These laws are also dominated by, firstly, the general laws of existence in general, secondly, the general laws of social existence in particular, the laws inherent in cultural existence, and thirdly, the general laws of legal existence, in particular legal culture.

Hence, the teaching based on the dialectical cultural understanding of existence described above serves as one of the general philosophical ontological methodological foundations in the way of

thinking about the study of social phenomena, including criminal law and the right to freedom of thought.

Different areas of cultural existence have emerged from the diversity of human needs. Social units of people and its aspects which are material, spiritual and political-legal culture are thought to be the main areas of cultural existence. Based on these types of cultures, the spheres of social life as the material, spiritual and political-legal spheres of social units of people are originated.

Thus, the cultural existence consists of the social units of people and its aspects, that is, the correlative-functional integrity of material, spiritual and political-legal cultures, and forms the basis of social life.

From these methodological teachings, the following conclusions can be drawn in relation to the object we are studying, that is, the people create their own legal laws based on their needs and interests. The Law of the Republic of Uzbekistan “On Freedom of Thought and Religious Organizations”, adopted by the Supreme Council of the Republic on June 14, 1991, was made up in such a cultural way.

Cultural existence as a substance. The functional states of things and events derive from their essence and are determined by them. In particular, the functional status of the Law on Freedom of Thought and Religious Organizations stems not only directly from the nature of the real legal culture, but also from the content and essence of the whole cultural entity and its components. In this case, a whole cultural entity has a defining property as a substance.

Reality cannot exist without substance. Substance is, firstly, the substrate (which means “basis” in Latin), the carrier (which means owner, “nositel” in Russian,) and, firstly, the internal causes and attributes specific to all areas of reality or any whole, thirdly, the substrate and the sides and including laws of internal nature between the parties. The internal unity and change of the whole does not occur without it. If we apply the substantive part, the connections, to the cultural existence, then, firstly, its own substrate, its inner owner, and firstly, its internal aspects or attributes, such as man, secondly, need, interest, thinking, knowledge, evaluation, purpose, plan, activity, and activity products; thirdly, we see that the substrate is human and attributes, there are essential connections between attributes, laws. Hence, a cultural existence can be considered as the basis or the substance of social life. Also, looking at a cultural entity as a substance allows us to determine whether it has certain quantitative and qualitative characteristics specific to the state of a whole substance, genetic interactions between its substantial elements or attributes, structural integrity, functional interdependence of elements and causal conditions.

Cultural existence (as a substance) is the substantial basis of all social phenomena, including the Law on Freedom of Thought and Religious Organizations. This law is the side of legal culture, and legal culture is the side of cultural existence. Thus, the Law on Freedom of Thought and Religious Organizations functions as an element, and not towards cultural entity. The general cultural laws inherent in cultural existence determine the existence of laws relating to the right to freedom of thought and manifest themselves in a specific form.

Thus, the material, spiritual, and political-legal cultures that form the basis of people’s social unities (social culture, if we can say in cultural terms) have their own internal commonalities (substantial foundations), which constitute the substantial integrity of a cultural existence; the

other side of the whole of existence defines a correlative-functional unity. And conversely, the correlational integrity of a cultural existence ensures its status as a substance in social life. Hence, the substantial and correlational aspects of a cultural existence complement each other.

Thus, the substantial unity of a cultural being is the deepest moment, the side, the core, the decisive and defining side of its correlational whole. The correlative integrity of a cultural existence is broader and richer than its substantial integrity. The analysis of a cultural existence as a substance makes it possible to enlighten not all aspects of the correlational content, but the main decisive core part. The study of the correlational integrity of a cultural existence in cognition, on the other hand, fully and concretely clarifies certain aspects of its substantial integrity. The basis of the substantial integrity of a cultural existence is its substrate which is human. The fundamental cultural changes in humanity lead to changes in the cultural existence, and the radical qualitative changes in the cultural existence lead to changes in social life. Thus, radical qualitative changes (these changes are in fact determined by the real social being that exists, including the real cultural being, qualitative changes in religious culture, science, and practice play an important role in this) in the level of religiosity or atheism in a person lead to changes and improvements in one or another part and article of the Law on Freedom of Thought and Religious Organizations, which has its place in the correlation system.

The two concepts of the law of social existence defining social consciousness and its methodological significance in the study of the right to freedom of thought. The law of social existence that determines social consciousness forms the basis of all his works by K. Marx and F. Engels described their materialistic understanding of history. But the definition about social existence given in I.V. Stalin's work titled as "On Dialectical and Historical Materialism" is still based on the literature of all the social sciences. In this work, social existence is mirrored by the material living conditions of society, the mode of production, the population and the geographical environment. The study of the concept of "cultural existence" in the ontological aspect requires clarification of its relationship with the category of "social existence".

There are two concepts of social existence to date, those based on a materialist understanding of history and those based on a dialectical cultural understanding of history. The first of these is, historical materialism has taken an authoritarian place from K. Marx's time onwards. The second is taking shape. It is well known that the law of social existence that determines social consciousness is the basic law of the materialist understanding of history. But this law manifests itself differently in dialectical cultural understanding. It is therefore important to distinguish between the dialectically materialistic and the dialectically cultural notions social existence.

In the history of historical materialism, there were relatively broad and narrow understandings of social existence. For example, V.P. Tugarinov stated as, "The basis of social existence is production, economic activity indeed..., social existence includes many other spheres or forms of practical social life, including class, national, political, family and other relations ...

By social existence we mean all the real practical life and activity of people."⁴ It is true that the definition of this social existence encompasses whole real practical life. But the core, the central part of social existence, remains unclear. In the former Soviet scientific and philosophical literature, D.I. Chesnokov, on the other hand, understood social existence in a narrow sense, in the context of economic relations, "The interaction of the basis with social ideas and theories is

reflected in the interaction of social existence and social consciousness. The concepts of “basis”, “material social relations”, “social existence” are concepts of the same order.

We use the concept of “basis” when we look at the defining role of the relations of production in relation to all its superstructures as a whole or in relation to its organizations and institutions. And we use the concept of “social existence” when we look at the relation of the basis to ideas and theories, and to social consciousness in general.”⁵

The distinctive definitions of social existence given by the J. Boboev, Y.K. Pletnikov, A.Kh Qosimjonov, M. Fayozov in the seventies, eighties and nineties of the last century are almost repetitive, close and common to each other. J. Boboev stated as, “social existence is a dialectical unity of objective material relations of people and material conditions of life, where the mode of production plays a decisive role.”⁶ It is clear that this definition covers only the material aspects of social life, and the method of production is the basis of social existence. If Y.K. Pletnikov defines social process as a process of material production, which is taken as an objective reality⁷, A.Kh. Kasimjanov depicts social existence as “the material relationship of people to nature and to each other, which is formed by the decision of human society and exists independently of social consciousness.”⁸ This definition is stated by M. Fayozov as, “Social existence represents the material relations of people to nature in the process of production of material wealth and the interactions, connections, relationships formed between people in the process of material production.”⁹ All of these definitions of social existence based on a Marxist, materialist understanding of history, explained by I.V. Stalin is concretized in one form or another.

According to the dialectical cultural understanding of history, social existence is an integral part of existence, society, or in other words, social life, the central part of which is a cultural existence. The content of a social existence can be determined only through its component, that is, social consciousness, including its attitude to thinking.

All forms of cultural existence occur through the basic element of spiritual culture, that is, human thinking. We do not want to exaggerate the role of historical figures but we believe it is necessary to tell the historical truth. If the social cultural existence and the social civilization emerged on the basis of K. Marx’s thinking, then the creation of a cultural existence, the foundation of our future civilization for the future of Uzbekistan, began under I.A. Karimov’s leadership. It goes without saying that for the development of thinking it is necessary to develop a creative environment, which is one of its regulatory. For example, in the Renaissance in all regions, the equal study of religious and secular knowledge, the possibility of comparison, led to a dialectical debate, that is, an active creative environment. Human, with the thinking as the core and subject of cultural existence, acts within certain, real conditions, including real interests as a factor.

Commonness is decided on the basis of singleness. We say that no matter how prevalent universalism is in a cultural existence, its origin and direction depend on the concrete, real, regional and national foundation (base). Human thinking is therefore national as a cultural perception. It is based on a real social existence. In historical materialism, social existence is recognized in a narrow sense, that is, in the sense of the material conditions of social life. In I.A. Karimov’s works, however, a real social existence as a real existence in relation to time is understood to consist not only of material, but also of social, political, legal, and spiritual

conditions. Because the historically formed socio-psychological situation, experience and theoretical knowledge itself are among the spiritual conditions for the further continuation of the thought process.

Hence, a social existence contains cultural existence, including a historically constructed spiritual culture, and the ongoing process of thinking (which is contemplation in action) on the basis of a real historically constructed real social existence determines all subsequent types of cultures. But in this case the cultural aspects of material, social, political and spiritual life, that is, all types of cultural existence, form a whole system with correlation with each other. Thus, the main task of the leadership of the Republic of Uzbekistan is to create a cultural entity in a particular system. At the same time, it is necessary to take into account, first of all, the real social existence of Uzbekistan. This theoretical problem is enlightened in detail in the chapter titled as “The conditions and grounds of our own path” in I.A. Karimov’s book, “Uzbekistan’s own path to independence and development”.

The first President I.A. Karimov’s choice of the path of the future of our independent republic was based on a number of features and conditions of its real social existence. At the same time, the national-historical way of life and thinking of our people, national traditions and customs, the specific demographic situation in the republic, national composition and internal national relations, geostrategic position, dialectical connection and adaptation of our society to real natural climatic conditions, protection of political and economic independence factors such as the existence of sufficient potential, the formation of a certain social consciousness of people with certain values in recent years were taken into account.¹⁰ As our final goal is to build a democratic society with a free market economy,¹¹ the five rules of transition to it, and “the Strategy of Action” elaborated by Sh.M. Mirziyoev, the President of the Republic of Uzbekistan, have become the principles of a single mechanism, cultural and legal tendencies, or more precisely, the social existence of our lives. And now the next continuation of thinking of our people is determined by the real social existence created during these years of independence.

Thus, if a social being has only the material conditions and aspects of society according to a materialist understanding of history, in the dialectical cultural understanding the history, it is the real social existence, that is, the social units of people and the spheres of material, spiritual, political and legal life created by them, including their aspects, tendencies, processes and laws. Historical social consciousness, yesterday’s social consciousness of people, will have become an integral part of social existence in today’s life. Therefore, the law of the defining role of the social existence in relation to the social consciousness is relative to the next thought process at every moment. Social existence is not the past but it is objective in relation to the present and future social consciousness. Relying on real social existence, the social consciousness that exists now and reflects, it is subjective in relation to the existing social existence.

Nature serves as an objective foundation for cultural existence. This includes natural mental processes. There are aspects to a cultural existence that are both objective and subjective. For example, gasoline was objective in the composition of oil, but it becomes a cultural phenomenon due to the activity of the subject. Besides, there are aspects of a cultural existence (e.g., concepts) that are subjective. And there are such historical intangible aspects of cultural existence that they are objective in relation to today’s space and time. For example, the spiritual heritage left by our ancestors serves as the basis for our continued thinking. Or the current spiritual environment in

another region is an objective ground for us, Central Asians. In particular, the main and direct spiritual basis of the existing laws on the right to freedom of thought in our country are the views and laws on freedom of thought, which came to us from Europe. Although the real cultural existence serves as the objective ground for its further development as the core of the social existence, this process takes place through human thinking. For example, the transformation of nature into a material culture can only be due to contemplation.

Thus, objectivity and subjectivity in a cultural existence have a harmonious character. It is these same processes that characterize cultural existence that determine the relationship between social existence and consciousness. The new laws on freedom of thought in our republic have already become an element of social existence. Because these events serve as an objective basis for further legal considerations to improve it. Human liberties are historical. Because the real cultural existence that determines a person's next activity is historical, changeable. So it is also historic to improve the laws on freedom of thought.

The research demonstrates the one-sidedness of the principle of historical materialism on the law of social existence determining social consciousness, provides the concept based on dialectical cultural understanding of history, and identifies its methodological significance in studying the criminal law code and freedom of thought.

Different forms of interrelationships in the structure of existence give rise to different forms of space and time. Researchers are also studying the forms of social space and time that represent the structure of social relations. In our view, social space and time as a relatively natural, physical space and time have the following regulatory characteristics, consequently, all metric and topological features, including continuity and continuity depend on the scale of the cultural existence, and the characteristics of the social age depend on the rate of development of the cultural existence. Social space is the location of human society and certain peoples in a particular geographical environment, and social time, firstly, covers the period from the primitive state of human society to the present, secondly, the formation periods, thirdly, the periods of civilization within formations, and fourthly, specific historical years within civilizations.

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