

TYPES OF LAW FORMS

Durdona Rasulova Zafarjon qizi
the 3rd year student of Namangan state university

ANNOTATION: *The following main types and specific aspects of legal forms (sources) are well known: It should be emphasized that legal traditions were, first of all, the first historical source of law that regulated social relations during the period of the emergence of the state. In general, the term "custom" refers to the rules of behavior that are formed on the basis of constant and uniform repetition of real relationships that exist in practice. But the custom acquires a legal meaning only after receiving the official approval of the state.*

KEY WORDS: *law form , social regulation , legal norms, bilateral legal relations , a legal relationship , the level of perfection of laws law-making technique , codification , law , economy , state , society , control , power*

Modern teaching divides custom into non-legal and legal types. Most of the scholars believe that non-legal tradition is a tradition that regulates the non-legal sphere (for example, the sphere of ethics) while practicing in a place where the law has not yet been formed historically (tradition of the clan tribe), or in a society that has organized the state or is transitioning to it. puts A custom that has received state sanction and is therefore recognized as a source of law is understood as a legal custom.

However, such an understanding reveals neither the historical development of legal tradition nor the reasons for its different understanding in different legal systems. Moreover, the era of customary law or the era of early class societies is left behind by such an approach. However, they left their mark on the nature and mechanism of tradition. For example, on the one hand, tradition, which is equated with other social norms and "world order", appears here as a social order force that cannot be created by human hands. That is why it cannot be rejected. There is no need for state sanction to recognize the custom and protect it. On the contrary, state orders, instructions and guidelines are the product of custom or equal to it in terms of force.

On the other hand, traditions not only express the collective interests of traditional associations through permits and prohibitions, but also strengthen the subjective rights and obligations of people to a greater extent.

Indeed, with the emergence of the state, "it forms a system of positive law established in the form of laws, administrative orders, court precedents, approved customs, etc. But even before the emergence of the state as a special political organization, humanity had time to accumulate certain legal experience of regulating social relations with customary legal norms. These social relations are created and formed in the periods of the emergence of classes and reflect the complex, tangled and long experience of a certain pre-state or pre-state stage».

The purely external differences between customary and positive legal systems are that, in the first case, legal norms and structures (institutions) arise spontaneously, in the order of amateur norm creation by the participants of social relations; in the second case, it is

established by bodies and persons who are officially assigned this function and have special authority to define the right.

"According to its objective content, essence and normative functions, the law existed until it was expressed in the state law, and the idea that this was the first and only form of its existence in the ancient society is repeated many times in the book of L. Morgan. The first laws of the Greeks, Romans, and Jews after the beginning of civilization, he said, are among the rules that have been embodied in customs as a result of past experience and have been legalized in many ways.

In the field of regulatory regulation, the innovation brought to the state and society is not a right as a social regulator - because it was known in advance as a custom. This innovation is a completely new form of law, which consists of a law, a legal document, a code. In order to ensure the norm, an organized force is formalized to compel the fulfillment of legal requirements that serve the interests of the state.

As a proof of what has been said here, we can turn to Engels, who proposed a model that is very close to the truth about the emergence of rights from social material structures: "At a certain stage of the development of society, more precisely, at the first stage, the actions of production, distribution and exchange that are repeated every day need to be covered by general rules. These rules, initially reflected in customs, later become law. Together with the law (*italics ours - Z.M.*), the body that is entrusted with its observance in a necessary manner - the public authority, the state - is created. Then the reason for the emphasis on the word "together" becomes clear: the state appears not with law, but with law; the law comes into being together with the state.

USED MATERIALS :

Problemy obshchey teorii prava i gosudarstva. M., izd. NORMA, 2002, p. 98.

Problemy obshchey teorii prava i gosudarstva. M., izd. NORMA, 2002, p. 99.

Marx K., Engels F. Hair. T. 18, page 272. Teoriya gosudarstva i prava: Uchebnik dlya vuzov. M., izd. NORMA, 2001, p. 364