

Evolution of Legal Symbols as Means of Formation of Legal Behavior



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ABSTRACT: This article discusses the evolution of one of the important means of forming the legal behavior of people, namely the symbols of law, the role of symbols in providing legislation with elements of emotional and psychological impact. The article also covers the origins and development of Law, Justice and the Judiciary.

KEY WORDS: legal semiotics, legislation, symbols of law, legal behavior.

INTRODUCTION

The study of the problems of increasing the efficiency of the execution of laws is an important direction of research in the theory of state and law. One of the conditions for ensuring the practicality, vitality and effectiveness of laws is to instill in members of society a high respect for the law, to form a clear faith in its justice. The general acceptance of laws as the basis of behavior depends, first of all, on the extent to which laws are understood by members of society and generally recognized by them.

The specific legal language in which the text of laws is drawn up can be tedious and incomprehensible to ordinary people, creating a certain barrier to their adoption and recognition by members of society. If the laws are incomprehensible to ordinary people and they do not evoke any emotion, then the problem arises in terms of ensuring the laws apply in society. Only laws that are understood by members of the public in the sense in which they are intended by the legislature and that evoke a sense of support from the majority will become a programmatic guide to conduct. The problem of ensuring that law is universally understood by members of society is part of a relatively new area of legal theory meaning semiotic-legal research. Legal semiotics does not refuse to understand law as a set of norms, but understands it as information about patterns of behavior transmitted by the legislator to legal entities and accepts it as a result of a continuous process of information exchange. In addition to the regulatory function of law, legal semiotics focuses on its function of expression and communication.

Resembling any social reality, law can be expressed only in the form of signs and symbols, can be universally understood by members of society, and can be universally recognized by them. Therefore, the study of the features of law and the study of legislation as a set of symbols, the investigation of the communicative aspects of the existence of law are one of the urgent tasks of jurisprudence.

Signs and symbols ensure the comprehensibility of the content of the legal text, the formation of imagination and knowledge about the law, which has an emotional value. When laws are linked to the values that define human aspirations, their influence increases, and an intangible interest in the unconditional observance of the laws is formed. Laws expressed in language understood by members of society become recognized rules of behavior. Therefore, it is important to study the legal signs and, in particular, their special type of emotional impact, meaning the symbols of law, their evolution, their place in the formation of legal behavior.

DISCUSSION

The human mind has a socially valuable character, in which mental and emotional-emotional, universal and national-cultural aspects are combined. This is why the influence of symbols that represent values on the human mind is high. Symbols have a unique influence on the formation and development of a person's perception of social existence, including law. According to academician Saidov A., "the world of symbols is an instrument that significantly influences the formation of basic ideas about the state and law in the minds of people"(1). Symbols of law are an important tool for the formation of legal culture and form the basis of a special symbolic language of communication, mutual understanding between communicative binders, legislators and members of society, which ensures the understanding of law, making it the basis of behavior. Symbols of law exist in two main forms: verbal, meaning textual symbols consisting of words, and nonverbal, which is non-verbal symbols. Symbols of nonverbal law are in the form of emblems, objects, images and actions, which played a key role in regulating the behavior of members of society in the archaic period (the period of the first state and the emergence of law) in which written law did not yet exist. In

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ancient times, sign language was widely used as a simple means of communication in conveying information about the essence of a particular reality. Symbols of law emerged at a time when there was a need to coordinate the joint activities of members of society, to pass on the experience gained in a common sense to future generations. Symbols prevailed at that time, which can be explained by the underdevelopment of the legal form, the high level of thinking and language (2). The symbols formed the structure of religious-mythological beliefs and expressed the legal purpose and principles to the participants of social relations through the generally recognized symbols of justice. Although legal goals and principles were not written down, they were known to all members of society and were closely linked to their beliefs, ensuring that these legal norms had a strong emotional and value impact on people's minds. In the process of transition from archaic law to written legislation and its improvement, legal goals and principles began to be expressed in the written text, and the symbols of law also changed their form. Most of the symbols of nonverbal law gave way to verbal law symbols. Verbal legal symbols were formed from the text of the law as expressive expressions and as an integral part of the legal purpose and principles.

Often, symbols are seen as visual images created to interact in certain situations, given the underdevelopment of natural language and the absence of written speech. But with the development of mankind, despite the renewal and change of their form, the number and importance of symbols in the modern world has not diminished at all in accordance with the level of development of society. Today, the origin of many expressions in the Uzbek language, which express the legal purpose and principles, goes back to the most ancient symbols. Examples of such expressions are "law", "justice", "legal". Below we consider some of the ancient symbols of law that formed the basis of the symbols of written law and expressed the principles of law, justice and fairness. For example, the Uzbek word "law" (huquq) is derived from the Arabic word "haqq", which means "appropriate contribution" (3). The origin of this phrase is actually related to the symbol of the ancient balance of justice. The Libra symbol is the oldest symbol of law, justice and fairness, and its appearance is associated with the seed totems. The Libra symbol is the oldest symbol of law, justice and fairness, and its appearance is associated with the seed totems. In the ancient community, the animal, which was considered a totem, was slaughtered, and the contribution due to each member of the tribe was set aside, his right, which reflected his rights and obligations in the community. The scales have become a symbol of a fair measure of truth, as they are measured by the appropriate scales of truth (4). The concept of measuring the rights and destinies of everyone transformed the image of the scales into a symbol of divine truth, divine justice and divine judgment. It was believed that the gods measured the destiny of human beings on the scales of destiny and made a just judgment. The ancient Egyptian source, the Book of the Dead, describes in detail the role of the scales of justice. Accordingly, after the death of a person, the gods placed his heart on one step of the scales of justice, on the second - the feather of the goddess of justice Maat. After the deceased swore that he had not committed a crime, the gods testified in court about his good and bad deeds. Guardian deities protected the deceased in court. When the sins of the deceased are severe, his soul is taken to a place of eternal suffering. If the balance of the scales was not disturbed, the trial would end and the soul of the deceased would make its way to a place of eternal bliss (5). In ancient Egypt, judges followed the principles of divine judgment, they were considered priests of the temple of Maat, the goddess of justice, and wore amulets depicting the goddess of justice.

An important source in the history of Uzbek statehood and law, the Avesto, also pays special attention to the symbol of the scales of justice. The Avesta, which later became the symbol of the model of justice which includes the image of a three-judge court, the expression of the primacy of court decisions (golden color) and the three symbols of justice: the rule of law, justice and discipline (6). It is believed that when every soul leaves the body, it is accountable to a divine court of three judges for their deeds during their lifetime. The Chinwad Bridge is the site of the trial. The court is presided over by Mitra, the chief judge, who is an impartial judge of people's actions, and is depicted with a symbol of the inevitability of punishment - the "Vazra" (golden ax). According to the imagination, Mitra watches the actions of people from heaven, protects the good, and brutally punishes the devils (offenders). On both sides of Mitra are depicted divine judges - Rashnu, the goddess of justice, holding a golden scale, and Surush, the goddess of discipline, holding a whip. In the scales of justice, each person's thoughts, words, and deeds are measured: his good deeds are weighed on one scale, and his evil deeds on the other. If there is more goodness, the bridge will widen, and the conscience of the deceased, who appears in the form of a beautiful girl, will transfer her to a place of eternal bliss. If the cycle of evil deeds is heavy, the bridge will narrow and become similar to a sword's blade, and the conscience of the deceased in the form of a disgusting lizard will drag him into a place of eternal torment and suffering (7). The priestly judges strictly adhered to the principles of the divine judicial model in their trial. The origin of the terms "lawyer", "juridical", "jurisprudence", "justice" used in the Uzbek language today is associated with the name of the goddess of justice in ancient Roman mythology, Justice. - derived from words meaning law (8). The term "jurisprudence" is a combination of the words "ius" - "law" and "prudentes" - "sage"(9). The symbol of the ancient Greek goddess Femida, who is now accepted as a symbol of law, justice, and fair trial, is in fact the ancient Roman goddess of justice, Justice. The goddess Justicia was first depicted with a scale in her hand, then a sword was added to the image, and finally began to be depicted in the form of a blindfold. The simultaneous depiction of Justice with the sword and scales dates back to the beginning of the revival of Roman law in Europe - the 12th-13th centuries (10), and its blindfolded form dates back to the European Renaissance.

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The image of the goddess Justica embodies not only Themis, the goddess of justice and order, but also the goddess Dike, the symbol of justice. According to Greek mythology, Themis is the guardian of justice and order (11), she represents the spirit and principles of the laws, while Dike is sent among the people to fight injustice, which represents the application of the laws. Femida does not punish, she ensures the laws of natural balance, while Dike administers justice to people and punishes sinners (12). The Femida is therefore depicted with a scale in one hand, an item representing well-being in the other (13), and Dike with a sword or ax (14). In Greek, the word "dika" meant law and justice, the word "dika" was used in the courts, and the word "diken didonai" meant punishment (15). In our opinion, the origin of the phrase "yuridik" in Uzbek and "juridica" in English is a combination of the words "ius" (law) and "dika" (justice), which means "legal justice".

Phrases such as "adolat", "odil", "adliya" used in Uzbek today are derived from the Arabic word "adl", which means "right" (16). It is associated with the ancient measure of justice, the "right stick" symbol. The word "adl" originally meant "to have a straight shape," and later came from such figurative meanings as "adolatli," "adolatlilik," and "adliya." In Islam, the word "adl" is used in the sense of one of the attributes of Allah, the supreme justice. Also, the word "qanun" in Uzbek is derived from the Arabic word "qanun(un)", which means a rule that everyone must follow (17). In fact, the origin of this phrase is related to the word "qanu" in the Western Semitic language, which means "reed stalk" and means a rule, a measure, indicating the right direction. Later, the word was adopted by the Greeks, and the Greek word "kanw" meaning a rule derived from the current legislation to solve a legal problem (18), from which came the English words "canon" and Russian "kanon", which means a set of rules.

Symbols meaning "right" are depicted in ancient myths. For example, Hammurabi, the ruler of Babylon, wrote that the famous law was revealed by the god Shamash. The reliefs depicting Shamash and Hammurabi depict a straight stick and a ring between them. The right stick and ring are measuring tools that ensure accuracy, and to do something right has come to mean justice (19). These symbols represent the call for the establishment of just laws, under the patronage of the ruler Hamurapi Shamash, who chose the path of justice and righteousness.

The Uzbek words "sud", "sudya", "sudlov", and "sudlash" are believed to have originated in Russian. In fact, the word "court" is a Turkish word which means "to be black". In ancient Turkic peoples, whoever sinned had a tradition of pouring black paint on the door, walls and roof of the house (20). Since then, "condemnation" and its opposite "acquittal" have been used in court proceedings. In the Turkic peoples, white was considered a symbol of the goddess of goodness, Tangri (21), and black was considered a symbol of the underground goddess of evil Erlik (22). Also, the phrase "swearing" in an old Turkish language originally used in the form "I swear in the name of God" (23). Activities such as swearing in the name of the gods, signing sacred books to tie the oath to the gods, and keeping the gods as witnesses have existed since ancient times (24). Also, at the time of swearing, clean water was usually drunk as a symbol of the authenticity of the oath. Water sees the face of justice, of truth, because the creation of life begins with water, it was believed that the whole universe was created from water (25). Later, it became customary to swear by drinking other beverages instead of water. A swearing-in ceremony was held in court, and the victim, defendant, and witness drank water repeatedly poured into the palm of their hand three times with the words "I swear" before testifying in court. Such an oath meant, "I speak the pure truth before God, as I drink the pure water given to men by God" (26).

CONCLUSION

Thus, it is important to ensure the effectiveness of the law, the effective use of the symbols of the law to explain it in harmony with cultural values.

The need to use the symbols of law can be seen in the following:

First, although the bulk of emblems and action symbols have given way to written legal symbols, some of them are still used today as legal regulatory tools. For example, state symbols, symbols of the head of state, parliamentary symbols, court symbols, civil service symbols, symbols of international negotiations can be examples of non-written legal symbols used in practice. In cases where there is a need for visual representation of legal goals and principles, emblems and action symbols cannot be replaced by other means.

Secondly, one of the main means of ensuring the universality of laws is the symbolic text in the preamble of the law, which is designed to explain their purpose in a simple language, linking them with universal and national cultural values and giving them emotionality. Unfortunately, while legal legislation is considered to be an introductory part of the law, in practice this important component of the law is not taken seriously. As a result, there is a risk that the purpose of the laws will remain abstract for many.

Thirdly, laws are often interpreted normatively, and they are primarily intended for professionals in the relevant field, making them difficult for non-expert community members to understand. It is advisable to use a method of semiotic interpretation in the interpretation of the content of laws, which implies a style of interpretation that is understandable to both experts and non-experts. In semiotic interpretation, a model of behavior is interpreted rather than norms, and legal signs and symbols serve as a means of interpretation.

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Thus, the main problem in the formation of legal behavior is related to the fact that the language of law has a limited ability to influence the human mind emotionally. This problem can be solved through the effective use of legal symbols. Symbols of law are written and unwritten legal textual means that have the ability to affect human emotion. In their content, legal principles and goals are preserved. Symbols of law are a means of legal technique to give emotional content to the text of the law. Symbols of law can also be used in legal education and upbringing, the formation of legal consciousness and culture, the effective implementation of legal advocacy.

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