



## THEMATIC AND PROBLEMATIC POETRY OF ZOYA VASILIEVNA VINOGRADOV

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**ABSTRACT:** - In general, it should be noted that there is a contradiction between the scientific interest of modern jurists in the work of P.G. Vinogradov and the level of research of his legal concept. Fundamental scientific research of the legal concept of P.G. Vinogradov are absent. From this it follows that the scientific development of the problem of dissertation research is at an early stage, which indicates the timeliness of the dissertation research on this topic.

**KEYWORDS:** Author, novel, times, literature.

### INTRODUCTION

Methodologically, this is expressed in an eclectic combination of positivist and natural law approaches to law. Therefore, the conceptual significance of the idea of natural law in positivist legal theories plays an important role in interpreting the problem of the origin of law, the mechanism of legal regulation, sources (forms) of law, etc. G. Hegel, T. Hobbes and J. Locke, as well as the historical school of law. The rationalistic methodology of the school of natural law was considered as the main obstacle to the scientific study of legal reality, was assessed as

the cause of speculation and isolation from real legal practice. In this sense, the formal dogmatic methodology, which became the basis of legal positivism, effectively solved this problem. However, the formal interpretation of law within the framework of this methodology excluded the possibility of studying its social content, which became the subject of criticism of the positivist direction of legal science and the theoretical and methodological prerequisite for the development of a sociological approach in jurisprudence. Based on the analysis of

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primary sources, the author makes an important conclusion that sociological legal understanding was considered by many theorists as a promising direction in the development of scientific methodology for studying law. A stage in the development of this legal understanding was the realistic concept of law as a protected interest by R. Lering. However, a significant role in the development of the sociological approach in Russia was played by evolutionary theory and an organic approach to law, the application of which, according to the author of the dissertation, corresponds to the methodological setting of positivism, which consists in transferring the methodology of natural science to the sphere of social and humanitarian knowledge. The author found that the essence of the organic approach to solving the problem of interpreting social phenomena is to study them as manifestations of natural processes occurring in society. At the same time, identifying society with an organism, the supporters of this approach transferred biological patterns into the sphere of social reality. Determining the significance of the sociological approach to the analysis of social phenomena for the development of legal science, the author concludes that the heuristic significance of this approach was the possibility of studying social factors in their systemic unity. Legal research in the context of the application of this methodology orients the researcher to the study of law as a socio-historical phenomenon. Legal concept of P.G. Vinogradova is attributed by the author to the common in the jurisprudence of Russia in the second half of the 19th - early 20th centuries. sociological positivism. Scientific and critical analysis of the evolution of the methodological approach of P.G. Vinogradov allowed the author to assert that his foundations were formed during the period of study of the Italian society of the Middle Ages, undertaken by him when writing his dissertation research

for a master's degree. The author highlights the characteristic features of the methodology of P.G. Vinogradov of this period of creativity. Thus, the restoration of the sequence of historical events, which was of decisive importance in the studies of the second half of the 19th - early 20th centuries, in the works of P.G. Vinogradov gives way to an analysis of the factors through which the legal features of the social structure are also reconstructed. As a result, the scientist formulates the historical patterns of social development. This approach became the methodological basis of the scientist's research, defining his views on society and law. The author comes to the conclusion that, based on the content of research tasks and the evolution of the methodological approach, in the work of P.G. Vinogradov, three main periods should be distinguished: historical and sociological, the peculiarity of which is the reduction of research tasks to the social reconstruction of historical phenomena, the application of the methodology of sociological naturalism; historical and legal, characterized by the use of an evolutionary approach to substantiate the idea of social progress, on the example of studying the factors that determined the general and specific features of the feudal system of England in the Middle Ages; theoretical and legal, aimed at creating its legal concept. The author believes that the evolutionary understanding of progress is the theoretical basis for P.G. Vinogradov. The dissertation explains the choice of P.G. Vinogradov Spencer's methodology. The main argument in favor of such a choice, according to the author, is the rejection of the speculative philosophy of law by Hegel and other representatives of the classical period in the development of socio-humanitarian studies, and the reliance on empirical data as the objective foundations of the study. The use of P.G. Vinogradov of biological patterns in the study of society and man is explained by the

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fact that man is a natural being. The author proves that the difference between the concept of society P.G. Vinogradov from the concept of Spencer is the recognition of the mediation of the action of biological laws, explained by the fact that a person is a creature with consciousness and will, aware of his needs and interests. This also explains the difference in historical forms that society has at certain stages of development. Right P.G. Vinogradov also considers the result of the indirect action of biological laws, since it reflects the interest in the mind of the individual, the need to protect him by means of state power. Thus, law in the concept of P.G. Vinogradov is one of the manifestations of social development. The goal of society is not the biological reproduction of man, but the satisfaction of the needs and interests of the people who make it up. The moral basis of society is personal freedom and human well-being. Therefore, the development of law testifies to the moral progress of society. According to the author of the dissertation, one of the main theoretical provisions of P.G. Vinogradov is the assertion that the historical process is both evolutionary and progressive. The goal of the historical process is the most complete realization of individual freedom and the achievement of a high level of legal consciousness. This view became the philosophical and methodological basis of his legal concept. Scientific and critical study of socio-historical, historical-legal and theoretical-legal research P.G. Vinogradova leads the author to the conclusion that the solution of the problems of historical reconstruction involved the creation by the theorist of his own concept of the general theory of law as a theoretical and methodological basis for his research. Thus, he explained the need for a general theory of law by the methodological importance of clarifying the general principles of law, which is impossible in branch jurisprudence. Law in the

concept of P.G. Vinogradov is presented as a complex phenomenon, consisting of many norms, institutions that have a huge variety both in space and in time. The law of any nation state is distinguished by its special structure, law formation, law enforcement, etc. Therefore, a researcher who studies a specific area of legal phenomena, focusing on a particular branch or institution, relation, loses sight of the general content of law, which, nevertheless, is present in its subject study. Scientific views of P.G. Vinogradov on law are based on the belief that it is a kind of organization of society, which is associated with the appropriate order of relations established by the rules of behavior (norms) that solve different problems - ensuring social order, ensuring social communication, etc. At the same time, legal norms occupy position close to moral standards. He discovers the content of legal norms in duty, and he explains the need to follow them by the will and rationality of a person. The author focuses on the differences in the concept of P.G. Vinogradov from the doctrine of law by R. Lering and N.M. Korkunov. Thus, recognizing interest as the social basis of law, he considers law not as a "protected interest" or "delimitation of interests", but as a delimitation of wills.

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