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HISTORY OF LEGAL ANTHROPOLOGY AND ITS PERSPECTIVES

Annotation

The scientific article presents the concept and essence of legal anthropology, studying it from a world-class point of view, as well as paying attention to its development trends throughout the world, including the Republic of Uzbekistan. This article examines the main perspectives of legal anthropology, its place and influence in modern times.

Key words: Legal anthropology, anthropology, law, development trends, digital technologies.

ОБ ИСТОРИИ ЮРИДИЧЕСКОЙ АНТРОПОЛОГИИ И ЕЕ ПЕРСПЕКТИВАХ

Аннотация

Научная статья представляет собой понятие и сущность юридической антропологии, изучая его с точки зрения мирового уровня, а также обращая внимание на его тенденции развития во всем мире, включая и республику Узбекистан. В данной статье, изучаются основные перспективы юридической антропологии, его место и влияние в современное время.

Ключевые слова: Юридическая антропология, антропология, право, тенденции развития, цифровые технологии.

YURIDIK ANTROPOLOGIYA TARIXI VA UNING ISTIQBOLLARI HAQIDA

Annotatsiya

Ilmiy maqolada yuridik antropologiya tushunchasi va mohiyati, uning jahon miqyosida o'rganilishi, shuningdek, butun dunyoda, jumladan, O'zbekiston Respublikasida rivojlanish tendensiyalariga e'tibor qaratiladi. Ushbu maqolada huquqiy antropologiyaning asosiy istiqbollari, uning o'rni va hozirgi zamondagi ta'siri ko'rib chiqiladi.

Kalit so'zlar: Huquqiy antropologiya, antropologiya, huquq, rivojlanish tendentsiyalari, raqamli texnologiyalar.

Introduction. Legal anthropology is understood as the study of human existence through the analysis of oral or written monuments of law, that is, the study of its practices and legal systems characteristic of a historical society. Legal anthropology covers not only the history of ancient times, but also studies the legal forms of social life of people of the modern period.

First of all, legal anthropology or the anthropology of law is the teaching of humanity itself, then about its rights. In the course of studying jurisprudence itself, the main focus is on the person himself, while at the same time the main object of anthropology is also the person himself. Based on this, humans are the main object in legal anthropology and following this, legal anthropology is the science of a person as a social being in its legal manifestations, dimensions and characteristics.

Main part. There are a variety of fields of science in the world, and many of them have not yet been sufficiently investigated by scientists, spanning from ancient times to the present day. Legal anthropology is a unique field of study that provides insight into the interactions between legal systems and human culture. It is worth noting that we know almost ten thousand different legal systems, which are diverse among themselves and impress us with the fact that even if we analyze them, we will be surprised by the fact how diverse a person is and can create a lot [1]. Legal anthropology gives us the opportunity to understand how law shapes and influences human behavior, while at the same time allowing us to study how local customs and traditions influence specific legal systems, and how, in general, these systems affect society itself.

If you plunge into history, you can see how people without a legal system, or rather no state, no police, no courts, could regulate everyday issues in cooperation, in the family, and in society as a whole. Anthropologists, studying this

mechanism of ancient people, analyzed this by the fact that, despite where a person comes from, absolutely all people live in accordance with different rules of law [2].

Researchers and anthropologists discuss terminology as legal anthropology in different ways. For example, P.I. Kostogryzov writes that "the subject of legal anthropology is the legal existence of a person in all its versatility, what pre-revolutionary Russian lawyers called "legal life." It seems possible to define this subject more strictly within the boundaries of the behavior of individuals and communities of different orders in the legal field, determined by the context of a particular culture, with its inherent variability and invariants" [5]. The author sees the tasks of legal anthropology in the knowledge of the legal behavior of people of different cultures and, on the basis of this knowledge, to identify those universals that determine the framework of legal behavior inherent in the species homo sapiens" [5].

V. S. Nersesyants interprets this term as follows: "Legal anthropology is the science of man as a social being in his legal manifestations, dimensions, characteristics. It studies the legal forms of people's social life from antiquity to the present day" [7].

A. I. Kovler not only specifies the objects of analysis, but also significantly expands the subject of science: "Legal anthropology, or the anthropology of law, is a scientific and educational discipline that, through the analysis of oral or written monuments of law, the practice of social life, explores the processes of jurisprudence of human existence, characteristic of each historical type of civilization, and seeks to identify the patterns that underlie the social and legal life of human communities" [6].

Legal anthropology first appeared as a specific science in the second half of the 19th – 20th centuries. It was during this period that law and anthropology advanced equally, since almost all scientific anthropologists received a legal education

or were lawyers [1]. The founder of legal anthropology was the English lawyer and historian Henry Maine (1822 – 1888), who first began his study in the legal-anthropological direction [3]. At that time, legal anthropology or the anthropology of law did not develop in many countries, but for the first time it received its general development in jurisprudence itself, in countries such as England, Germany, France and Italy [1]. Many academic anthropologists relied on the fact that anthropology and law would always be together and would continue to develop on a large-scale level. Unfortunately, the prosperity of anthropology was invisible, but today it is gradually regaining its meaning.

In order to raise the level of development of this industry, it is necessary to add a separate subject to the system of higher education in the field of jurisprudence, such as the anthropology of law or legal anthropology. After all, students receiving a legal education must also study the history of law and its relationship with different nations. Moreover, it should be noted that the role of studying the anthropology of law enables students to study in more depth the legal systems of different countries and its relationship with the principles of society, from ancient times to the present day. It must be emphasized that today the development of the anthropology of law is gradually improving. One striking example is the French Association of Legal Anthropology, created under the leadership of Norbert Roulan. This association unites the research efforts in this area of scientists from different countries and regions of the world [1].

The importance of legal anthropology can be seen in several aspects at a global level that will be needed in the near future:

First, its most important aspect is the study of cultural differences in legal systems. Because, with the development of globalization and increasing international interactions, understanding cultural differences in approaches to justice has become increasingly important.

Secondly, the study of legal anthropology's response to global problems may develop in the future, since it is important to note that climate change, migration, pandemics, etc., affect the law itself and often lead to some changes in the legal system itself.

Third, legal justice has always been a core aspect of jurisprudence, and legal anthropology provides an opportunity to contribute to the study of how legal systems promote or hinder the achievement of social justice, as well as to compare how different societies interact with the law and how these systems may develop in the future.

In addition, digital technologies are developing on a large scale in the 21st century. Consequently, this provides a huge opportunity to do more research on the field of legal anthropology and record sources of information, which makes it easier to find the information you need much faster. Thanks to digital sources, anthropologists, lawyers, scientists will find it easier to introduce research on legal anthropology. The role of digital technology in the field of history and law itself plays a significant role, since through this, historians have access to digital archives and collections, allowing them to research without the need for a physical presence in the archives themselves. In addition, the use of the Internet and network technologies allows anthropologists and lawyers to exchange knowledge, participate in collective research and discuss their discoveries online.

The Republic of Uzbekistan, as one of the developing countries, strives to be the best in every branch of science. It is pleasant to note that the anthropology of law is gradually developing and being taught to students of higher education. Also, it is worth noting that the President of the Republic of Uzbekistan Sh. M. Mirziyoyev, in his address to the participants of the Asian Forum on Human Rights in 2018, noted: "All civilizations, world cultures and religions, were created, as history shows, under the influence of humanistic ideas, on the basis of which the basic concepts of human rights were formed" [4]. From here, we can understand that legal anthropology occupies a very significant place in the legal system of each state. For example, at the Tashkent State University of Law, students study subjects such as legal history and theory of state and law, where one can find elements of legal anthropology and its mechanisms in different branches of law. The study of legal anthropology by students allows them to adapt to changes in the legal field, because it is known how the legal system can change under the influence of sociocultural and economic factors. It is also important to note that studying this branch of science allows students to develop critical thinking, since they will analyze and compare different legal systems.

To conclude, it can be concluded that legal anthropology is a unique field of study that provides insight into the interaction between legal systems and human culture in various parts of the world. Although the study of legal anthropology is the study of societies long gone in history, we believe that this branch of law has its own future. After all, the gradual introduction of this branch of science into the education system allows the anthropology of law to develop even further.

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