

Theoretical Legal Analysis and Historical Philosophical Foundations of the Welfare State

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ABSTRACT

This article presents a theoretical and legal analysis of the concept of the welfare state, while also exploring the stages of its historical development and its philosophical foundations. The roots of the welfare state are traced from the legacy of ancient thinkers to contemporary theories of the rule of law. Particular attention is devoted to the consolidation of welfare state principles in the Constitution of Uzbekistan and their role in shaping national statehood practices. The essence of the welfare state is revealed through theoretical, historical-comparative, and philosophical approaches.

Keywords: Welfare state; rule of law; history of statehood; philosophical foundations; social justice; human rights; Constitution; Uzbekistan; social functions of the state; social policy.

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Introduction

From a historical and philosophical perspective, the welfare state is regarded as a system based on the principles of social justice, solidarity, and responsibility, aimed at ensuring a dignified life and the free development of every individual. This analysis encompasses the evolution of the idea of the welfare state from philosophical conceptions to modern forms and highlights its essential features, such as social protection mechanisms, support for vulnerable groups of the population, and the development of civil society institutions. Philosophical analysis becomes necessary in two cases. The first occurs when a phenomenon is not yet sufficiently differentiated and has not been fully studied by specialized sciences. In this situation, the process of rationalizing the researcher's paradigms and assumptions takes place. The second arises when a phenomenon has already been thoroughly and comprehensively examined across various fields, but there is a need for synthesis that integrates these findings to provide both methodological and axiological foundations. Research on the welfare state in Uzbekistan demonstrates this very dynamic. On the one hand, the updated Constitution adopted in 2023 declared

Uzbekistan a welfare state. In this context, numerous studies have been conducted within disciplines such as jurisprudence, sociology, history, economic theory, and political science. Naturally, the welfare state serves as a research subject for many social sciences. However, each discipline, relying on its own approach and methodology, emphasizes specific aspects. Jurisprudence, for instance, views the welfare state as a system of legal norms and corresponding institutions. Within this domain, social rights, labor legislation, and social protection mechanisms are analyzed.

For economic theory, the central issue lies in the extent to which the state may intervene in the market economy and in how social expenditures (such as pensions, allowances, and healthcare) affect economic efficiency. Historical science studies the emergence and development of welfare state institutions within the context of national specificities. For instance, in European countries of the nineteenth and twentieth centuries, the evolution of social policy in connection with industrialization has been one of the primary directions of historical research. Sociology, in turn, analyzes the welfare state from the perspective of social structure and the effective functioning of the social

sphere. Here, questions such as social equality, stratification, and the impact on different social groups play an important role.

As a result, despite the abundance of definitions concerning the welfare state, a socio-philosophical definition that adequately reflects its essence and can be applied to solving both theoretical and practical problems has not yet been fully established. This limitation restricts the ability to objectively assess existing welfare state models and optimize them. The distinctive feature of social philosophy in analyzing particular processes and phenomena is that it relies on the findings of specialized sciences, while expressing them through a high degree of generalization and abstraction within its own discourse. At the same time, the theoretical outcomes of socio-philosophical analysis combine fundamentality, the highest level of generality, and axiological precision in a harmonized manner.

The idea of the welfare state has been defined in various ways by numerous scholars. For example, Lorenz von Stein is considered the founder of welfare state theory. He argued that the primary duty of the state is to ensure the well-being of its citizens and to guarantee social justice. T. H. Marshall, in advancing his concept of “civil, political, and social rights,” explained the welfare state as a system that guarantees citizens’ social rights. Scholars such as W. Genzel and H. Heller described the welfare state as a politico-legal model aimed at ensuring social equality and equal opportunities. The idea of the welfare state also finds expression in the works of Eastern thinkers. For instance, Abu Nasr al-Farabi, in his doctrine of the “Virtuous City,” emphasized that the state’s essential task is to create conditions for the spiritual and material perfection of human beings, an idea closely aligned with modern conceptions of the welfare state. Abu Ali ibn Sina reflected on the significance of human health and the state’s responsibility to safeguard it, stressing that the state must perform not only political but also social functions. Ibn Khaldun, in his *Muqaddimah*, wrote about the state’s role in regulating economic and social life, arguing that the stability of the state is inseparably connected to social justice and the protection of the population. Thus, while Western scholars developed welfare state theory primarily from legal and economic perspectives, Eastern thinkers grounded it in principles of morality, social justice, and humanism. Among the scientific founders of welfare state theory, Lorenz von Stein (1815–1890) holds particular significance. As a German jurist and statesman of the mid-nineteenth

century, he advanced the idea of the welfare state and presented a new interpretation of the state’s essence and functions. According to von Stein’s doctrine, the state is not merely an institution for the protection of law and the maintenance of order and discipline, but also a mechanism for ensuring social balance and justice. In his theory, the state’s role is to mitigate sharp economic and social disparities between classes. Without active state intervention, he argued, social inequality would intensify, leading to the escalation of social conflicts within society.

Von Stein’s central idea was that the state must provide certain social guarantees for its citizens. He considered it essential that social policy regulate relations between the working class and property owners. In his doctrine, the state’s intervention in economic life is viewed as one of the necessary conditions for achieving social stability and general welfare. A key aspect of von Stein’s interpretation of the welfare state is the notion that the state should act in the interests of its citizens, striving to ensure a decent standard of living and relying on the principles of social justice. These ideas later had a profound influence on the formation and legal consolidation of social policy in European states. Thus, Lorenz von Stein’s theory of the welfare state laid the foundation for interpreting the essence of the state not only in legal but also in socio-economic terms. His teachings established the theoretical and legal groundwork of the welfare state and played a decisive role in shaping modern welfare state concepts. Von Stein’s welfare state theory subsequently served as a theoretical basis for the development of social policy and social rights systems in European countries. His ideas held particular importance in the areas of labor law, social protection, and anti-poverty policy, and they secured a significant place in the history of global socio-philosophical thought. Later, these ideas were further developed in the works of German jurists such as Gustav Radbruch and Hermann Heller, as well as the English sociologist T. H. Marshall. From the twentieth century onward, the concept of the “welfare state” was enshrined in the constitutions of many countries, including Germany, Spain, Russia, and Uzbekistan.

Purpose and Relevance

The main purpose of the article is to analyze the traditional-historical and legal mechanisms of protecting human interests within the welfare state, as well as to examine the contemporary legal and social reforms in Uzbekistan.

Relevance:

The protection of human rights and the assurance of social justice acquire significance as priority tasks of the state.

There is a necessity to harmonize the national legal system with international standards and to improve welfare state mechanisms.

An analysis of the outcomes of social and legal reforms in Uzbekistan is of importance within political and legal scholarly circles.

Methods and Literature Review

The article employs:

Historical-legal analysis, aimed at studying the historical development and national traditions of the welfare state concept.

Comparative-legal analysis, directed at comparing modern legislation with international standards and analyzing both international and national legal documents.

The concept of the welfare state is one of the most widely studied issues in both global and national scholarship. In national social sciences, it has provoked intense debates. As noted by Yu. D. Granin, “today there exist dozens of economic, political, legal, and interdisciplinary interpretations of the welfare state concept, with at least three interdisciplinary approaches having been formed: attributive, value-normative, and structural-functional” (Granin, 2019, p. 11). As Yu. D. Granin has emphasized, “at present, there exist dozens of economic, political, legal, and other interdisciplinary interpretations of the welfare state concept, with at least three interdisciplinary approaches having been developed: the attributive, the value-normative, and the structural-functional” (Granin, 2019, p. 12). From this perspective, it may be stated that, on the one hand, such conceptual and theoretical pluralism is a necessary condition for the advancement of scientific knowledge; on the other hand, it indicates the absence of consensus among scholars regarding the essence of the phenomenon under study. It should also be acknowledged that the very concept of the welfare state provided an ideological foundation for determining the fundamental principles of domestic state policy, particularly social policy, in the leading Western countries, especially in the United States, during the second half of the twentieth century.

In the Republic of Uzbekistan, the principle of the welfare state is explicitly enshrined in the Constitution. In particular, Article 1 of the new edition of the Constitution of the Republic of Uzbekistan, adopted on April 30, 2023, declares: “Uzbekistan is a sovereign

democratic republic. The supreme goal of the state is to ensure the rights and freedoms of the individual, as well as the interests of the Motherland.” Furthermore, Article 14 states: “The Republic of Uzbekistan is a welfare state. The state ensures the well-being of the individual and society, and promotes social justice and solidarity.” These constitutional provisions demonstrate that the welfare state in Uzbekistan has acquired a firm constitutional foundation. In other words, the idea of the welfare state is no longer merely a theoretical concept but functions as a legal norm. It serves as a legal guarantee for ensuring a decent standard of living, as well as for the implementation of social protection, justice, and equality. As a conceptual-theoretical construct, the term “welfare state” was first systematically formulated in the works of the German philosopher of the Hegelian school, economist, and state theorist Lorenz von Stein. In his doctrine, he identified as one of the most important tasks the scientific substantiation of both the necessity and the possibility of minimizing conflicts between different social groups. From von Stein’s perspective, the welfare state must “ensure absolute legal equality for all social classes and promote the economic and social development of citizens” (von Stein, 1872).

Ultimately, the development of one social group serves as a condition for the development of another, and it is precisely in this sense that the welfare state must be understood (Miletsky, 1997). Among Uzbek legal scholars, F. Mukhitdinova, M. Khojaev, and Sh. Sa’dullaev have paid special attention in their research to the legal foundations of the welfare state, its interrelation with human rights, and its expression in national legislation. They interpret the significance of the welfare state within the legal system as intrinsically linked with the principles of humanism, justice, and legality.

In foreign scholarship, the theory of the welfare state has also been extensively studied. John Rawls, in his *A Theory of Justice*, advanced the principles of social equality and justice, arguing that the fundamental duty of the state is to ensure equality of opportunity in society. Hans Kelsen, in developing the theory of the rule of law, integrated the idea of the welfare state with the concept of legal justice. Georg Henrik von Wright, meanwhile, analyzed the welfare state from the perspectives of ethics and jurisprudence, formulating universal principles for the protection of human rights. The issue of the welfare state is also reflected in international standards. For example, the Universal

Declaration of Human Rights adopted by the United Nations in 1948 established the humanitarian responsibilities of the state, while the European Convention on Human Rights consolidated the legal mechanisms for safeguarding social and economic rights. These documents shaped the international legal foundations of the welfare state.

The analysis shows that in the interpretations of different countries and scholars, the concept of the welfare state rests on common principles, the protection of human rights, the pursuit of justice, and the striving for social stability. However, its practical manifestation varies depending on national historical and cultural contexts. In this sense, while the welfare state idea appears as a universal value, its mechanisms of implementation are shaped through national models. According to traditional-historical analysis, the protection of human interests was ensured through law, customs, and religious norms. For example, during the medieval period in the East, rulers enacted special laws to safeguard the social and economic rights of the population. In the eras of Khwarazm and Bukhara, rulers introduced specific regulations to protect the social and economic interests of the people. Rules governing water distribution and land use, for instance, were directed at ensuring the standard of living of the population, thereby guaranteeing their social security.

In European states, although human rights were limited under feudal society, mechanisms for the recognition of rights and the provision of social security emerged during the eighteenth and nineteenth centuries. For instance, in eighteenth-century France, amid growing social conflicts between the bourgeoisie and the feudal classes, laws were adopted to provide the poor with legal protection, labor rights, and mechanisms of social assistance. Historical analysis demonstrates that the history of the welfare state is inseparably linked to the protection of human interests. Moreover, the welfare state is a constitutional-legal status of the state, whereby the economic and social rights and freedoms of individuals and citizens are constitutionally guaranteed. Such a state seeks to protect the interests of its citizens, to ensure social equality, and to reduce or eliminate social disparities. In many cases, the social character of the state is explicitly defined in its constitution. The concept was first enshrined in the 1949 Constitution of the Federal Republic of Germany and later incorporated into the constitutions of European and CIS states.

The functions of the welfare state are directed toward the protection of human interests and the assurance of

social justice within society. Its principal areas include safeguarding labor and public health, establishing a guaranteed minimum wage, supporting families, motherhood, fatherhood, and childhood, and providing social protection for persons with disabilities and the elderly. In addition, the guaranteed implementation of state pensions and allowances is among the welfare state's priority tasks. The material foundation of the welfare state lies in a high level of economic development and the ability to ensure a subsistence minimum for the poorer strata of the population. In other words, economic stability and the fair distribution of resources constitute essential conditions for the stable functioning of the welfare state. At the same time, the rule of law relies on fundamental principles that define the degree of development of the state. Its essential features include: the legal guarantee of citizens' rights and freedoms; the supremacy of the law and its equal application to all; mutual responsibility between citizens and the state; the separation of powers and its effective implementation; as well as the existence of a state system grounded in democratic principles, legality, and constitutionalism. For the formation and effective functioning of the rule of law, a number of conditions are required. First, the development of civil society institutions and the achievement of a high level of political-legal consciousness among the population must be ensured. Furthermore, it is important to establish a universal culture that promotes the active participation of members of society in social and political life. Likewise, the presence of a unified and coherent legislative system guarantees the stable and effective functioning of the rule of law.

In practice, although the theory of the rule of law is reflected in the constitutions of many countries, there is no state in which it has been fully implemented. Therefore, the concept of the rule of law is regarded as an ideal and normative goal for any democratic state. For example, Article 1 of the 1978 Constitution of Spain proclaims: "Spain is a social, legal, and democratic state." Similarly, Article 20 of the 1949 Basic Law of the Federal Republic of Germany states: "The Federal Republic of Germany is a democratic and social federal state." An analysis of the concepts of the welfare state and the rule of law demonstrates that they are closely interconnected and must develop in harmony. While the welfare state is directed toward improving citizens' standards of living and ensuring their rights in the spheres of labor, healthcare, education, and social protection, the rule of law consolidates these processes

on a legal basis, guarantees the supremacy of law, and secures the equal rights of citizens.

In the Republic of Uzbekistan, these two orientations are being implemented in a complementary manner. On the one hand, mechanisms of social assistance and protection are being developed for various strata of the population within the framework of the principles of the welfare state. On the other hand, the principles of the rule of law are being reinforced through the supremacy of law, democratic reforms, and the political-legal activity of citizens. Thus, the welfare state and the rule of law are complementary concepts. Their integration ensures stability, social justice, and the primacy of human rights within society. This, in turn, serves as a fundamental guarantee of national development.

Accordingly, the concepts of the legal state and the welfare state function as primary orientations in safeguarding the legal and social interests of citizens and in enhancing the effectiveness of state activity. As a welfare state, the Republic of Uzbekistan recognizes the constitutional duty of ensuring the quality of life and social protection of its citizens. The main directions of the welfare state manifest themselves in employment and labor rights, social security and pensions, taxation and social justice, housing and family support, as well as healthcare and education. The state guarantees employment and protection against unemployment. Every individual has the right to receive fair wages and to benefit from annual paid leave. Citizens are entitled to social security in cases of loss of working capacity, unemployment, or loss of a breadwinner. The amounts of pensions, allowances, and social assistance must not fall below the minimum subsistence level.

Taxes and duties must be fair and must not hinder the exercise of citizens' constitutional rights. Every individual has the right to housing, while the state creates the social, economic, and legal conditions necessary for the full development of the family. Socially vulnerable segments of the population are provided with housing in accordance with procedures established by law. In the sphere of healthcare, citizens are guaranteed free medical assistance within a defined scope. The state ensures free general secondary and primary vocational education. Inclusive education and upbringing are organized for children with special needs in educational institutions. Furthermore, citizens have the right to receive higher education free of charge on a competitive basis in state educational institutions. From a socio-political analytical perspective, Uzbekistan's status as a welfare state rests on the constitutional

guarantee of human rights, social justice, and sustainable economic development. This model of the state is aimed at ensuring social protection and equal rights for citizens, reducing poverty, and protecting labor rights. The guarantee of political and economic rights, as well as access to education and healthcare, forms the practical basis of the welfare state. These mechanisms strengthen social partnership between the state and society, consolidate citizens' trust in state institutions, and contribute to social stability.

In Uzbekistan, the idea of the welfare state and the protection of human interests is being consolidated through constitutional reforms. In this process, guarantees of human rights and freedoms have been reinforced, while modernization in social policy has been carried out in the fields of pensions, housing, education, and healthcare. In addition, efforts are underway to improve legal institutions, develop the judicial system, strengthen the Ombudsman institution, and advance national mechanisms for the protection of human rights. The analysis demonstrates that these reforms play a significant role in ensuring social justice and safeguarding human interests.

Proposals

With regard to the concept of the welfare state and its practical application, the following proposals may be advanced. First, in order to further strengthen the concept of the welfare state, it is advisable to introduce into national legislation provisions that more explicitly articulate the principles of social justice and equality. Second, it is necessary to broaden public participation in the development of state policy and to reinforce mechanisms for taking into account the social needs of the population. Third, to secure the economic foundations of the welfare state, the implementation of a stable tax policy, the encouragement of entrepreneurship, and the development of an innovative economy are of crucial importance. Fourth, social protection mechanisms should be modernized through the use of international standards and best practices, with particular attention given to supporting youth, persons with disabilities, and the elderly. Fifth, from a scholarly and theoretical standpoint, it is essential to study the concept of the welfare state in harmony with national history and cultural heritage, as this plays an important role in shaping a national model.

Conclusion

The welfare state, as a distinctive socio-political model of modern civilization, defines the responsibility of the state to serve the population, to support those segments

of society most in need of social protection, and to ensure social justice in the broadest sense. Although its theoretical foundations can be traced back to the ideas of Lorenz von Stein, today the welfare state concept is enshrined in national constitutions and reflected in international legal instruments. The consolidation of the principle of the welfare state in the new Constitution of Uzbekistan, adopted in 2023, demonstrates that the protection of human interests and rights has become a strategic priority for the country. Thus, the welfare state is not only a theoretical construct but also a practical pathway toward sustainable development, directed at enhancing human dignity and advancing the interests of the individual.

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