

Legal Nihilism: Conceptual Essence, Legal Nature and Distinctive Features

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ABSTRACT

The article presents a comprehensive analysis of the theoretical and legal foundations and conceptual features of the phenomenon of legal nihilism, based on an interdisciplinary approach. Within the scope of the study, the etymological roots of the concept of “nihilism”, its conceptual status in jurisprudence, and definitions proposed by both domestic and foreign scholars are examined using a comparative-analytical method. The author interprets the essence of legal nihilism as a negative, denial-based socio-psychological attitude toward law, legislation, and the normative order, and distinguishes its general social, specific social-structural, and individual levels. The article also highlights the dynamics of the spread of legal nihilism among youth in Uzbekistan based on official statistical data and substantiates its dialectical relationship with the level of legal consciousness and legal culture. In addition, the importance of strengthening moral resilience and effectively organizing legal awareness initiatives in combating legal nihilism is emphasized. According to the research findings, eliminating this phenomenon is a complex socio-legal task that requires coordinated efforts by state bodies, civil society institutions, and the education system. The conclusions of the article provide a scientific and theoretical basis for state policies aimed at enhancing legal culture.

Keywords: Legal Nihilism; Legal Consciousness; Legal Culture; Legal Illiteracy; Legal Education; Legal Awareness; Legal Advocacy; Youth Crime; Rule-of-Law State; Moral Resilience; Legal Values; Legal Behavior.

1. Introduction

The category of legal nihilism occupies a distinctive methodological position within the modern system of socio-legal knowledge and is regarded as a complex interdisciplinary phenomenon situated at the intersection not only of jurisprudence but also of disciplines such as philosophy, sociology, political science, and pedagogy. The increasing use of this concept in academic and journalistic literature, official documents, political and diplomatic discourse, as well as in everyday social discussions, indicates its stable and growing relevance in contemporary legal reality. The marked rise in scholarly interest in this phenomenon in recent decades is by no means accidental.

This situation, on the one hand, reflects the expanding and deepening impact of legal nihilism on social life; on the other hand, it indicates that, from a theoretical perspective, it remains an insufficiently explored scientific problem with many unresolved and controversial issues. For this reason, the phenomenon has become the subject of active scholarly and theoretical discourse among philosophers and sociologists, economists and educators, politicians and members of the public, and particularly among scholars in the field of legal theory and practicing lawyers. Such multifaceted academic attention, by its very nature, confirms that this phenomenon cannot be reduced to a superficial or one-dimensional analysis; rather, as a socio-legal phenomenon, it requires a methodologically rigorous, source-based, comprehensive, and theoretically well-grounded study.

1.1. Subject of study

➤ to elucidate the theoretical and legal essence, etymological roots, and conceptual content of the concept of “legal nihilism” based on an interdisciplinary approach, and to conduct a comparative analysis of domestic and foreign scholarly perspectives on this phenomenon;

- to identify the characteristic features, forms of manifestation, and levels of legal nihilism (general societal, specific social-structural, and individual), and to determine their place within the system of legal consciousness and legal culture;
- to examine the causes, dynamics, and socio-legal consequences of the spread of legal nihilism in Uzbekistan, particularly among youth, on the basis of statistical and theoretical data;
- to provide a scientific justification for the priority directions of state policy aimed at eliminating legal nihilism and enhancing legal culture in society, including mechanisms for promoting legal awareness and strengthening moral resilience.

2. Literature Review

The phenomenon of legal nihilism has been extensively examined in legal theory, philosophy, sociology, and political science. Scholars such as N.I. Matuzov, V.I. Chervonyuk, and P.A. Gorokhov analyzed its conceptual essence, social roots, and destructive influence on legal consciousness and legal culture. Uzbek researchers including Kh.T. Odilqoriyev, O. Nasriddinova, and N. Khasanov emphasized the interrelation between legal culture, civic responsibility, and the prevention of legal nihilism in modern society.

3. Methodology

The study employed a comprehensive combination of general scientific and specialized research methods. The dialectical method made it possible to reveal the interrelationship between the phenomenon of legal nihilism and socio-legal reality, while the system-analytical method enabled its examination as a multi-layered phenomenon. The comparative legal method was used to analyze and compare the conceptual approaches of domestic and foreign scholars. The historical-legal method was applied to explain the etymological and ideological evolution of the concept of “nihilism”.

4. Results and Discussion

To fully understand the essence of this phenomenon, it is first necessary to examine the lexical and etymological roots of the concept of “nihilism”. From a lexical perspective, the term “nihilism” (Latin nihil – “nothing”, “none”) denotes, first, a viewpoint that denies any rules, principles, and laws that have become established and customary in social life; and second, the rejection of the cultural heritage of past eras [1].

On the basis of this etymological foundation, the concept of “legal nihilism” in jurisprudence is defined as an independent category as follows: “Legal nihilism is a form of legal consciousness and social behavior (at the level of an individual or a group), characterized by a negative (skeptical) attitude toward law and legal values. In practice, it manifests itself in disregard for legal norms and their deliberate neglect, and is regarded as one of the causes of unlawful behavior and crime” [2].

In Uzbek philosophical and legal dictionaries, legal nihilism is defined as the disregard by legal subjects for existing legal norms, a disrespectful attitude toward them, or their outright denial [3]. In essence, it represents a negative, denial-based attitude toward law, legislation, and the normative order, and manifests itself in legal illiteracy, dogmatism, and a lack of legal education among the population [4].

Researchers in the field of the theory of state and law have also devoted considerable attention to this issue. According to X.T. Odilqoriyev, in a society where legal consciousness is underdeveloped and legal thinking is insufficiently formed, this condition has a significant negative impact on the functioning of society and its institutions. Legal nihilism and legal idealism are among the principal forms of such negative manifestations [5].

In foreign academic literature, legal nihilism is defined in various ways. Some researchers characterize it succinctly as a negative attitude toward the law [6], while others offer a broader interpretation, defining it as “the erosion of trust in law as a useful institution for organizing society” [7]. Many scholars regard legal nihilism as a socially destructive phenomenon, arguing that legal nihilists perceive laws as lacking intrinsic meaning or moral foundation and interpret them as unjust constructs used to maintain control and exercise power [8].

According to N.I. Matuzov, this problem has not yet been fully examined from a scientific standpoint and remains insufficiently studied [9]. Indeed, this concept continues to exist in isolation from the phenomenon itself and still fails to provide a comprehensive and thorough analysis of the essence of one of the most widespread phenomena of contemporary legal reality.

In Uzbekistan, the problem of legal nihilism is becoming increasingly acute, particularly among young people. According to official statistical data, in 2022, individuals aged 13 to 30 committed 33,390 crimes nationwide, accounting for 37 percent of all crimes in the country. Compared to 2021, this figure increased by 9.5 percent [10]. These statistics clearly demonstrate the widespread nature of legal nihilism among youth and the seriousness of its consequences.

The Decree of the President of the Republic of Uzbekistan dated January 9, 2019, “On the Radical Improvement of the System for Raising Legal Awareness and Legal Culture in Society” (No. DP-5618), has created a solid foundation for comprehensive and systematic efforts to combat legal nihilism in the country [11]. In accordance with this decree, large-scale programs have been developed aimed, on the one hand, at enhancing the legal knowledge of the population, especially young people, and, on the other hand, at improving and reforming the social environment in which legal nihilism manifests itself. As A. Saitqosimov notes, “establishing a spirit of respect for the law in society is a guarantee of building a democratic rule-of-law state” [12] and enhancing legal culture should become one of the key factors in preventing legal nihilism.

According to P.A. Gorokhov, “legal nihilism is a systemic quality that, by its very nature, cannot be reduced to the sum of its constituent elements. Like nihilism in general, legal nihilism arises at the intersection of the natural, social, and spiritual dimensions of human existence. This phenomenon may be interpreted both as an eternal and ineradicable evil and, at the same time, as a form of negation. It reflects dissatisfaction with the existing world order, opposition in the broadest sense of the term, and, as long as humanity exists, it will persist indefinitely” [13].

The problem of legal nihilism is also thoroughly analyzed in the works of Uzbek legal scholars and representatives of the social sciences. According to O. Nasriddinova, legal culture plays a decisive role in the formation of civil society, as there is a direct dialectical relationship between citizens’ law-abiding behavior and the development of legal culture: civil society cannot be formed without legal culture, and legal culture cannot develop without civil society [14]. R. Turdiboyeva, in turn, identifies key features of youth legal culture as the level of legal knowledge

and literacy, respect for the law, and the ability to prevent offenses. She emphasizes that legal nihilism among young people arises not only from a lack of knowledge but also from an inability to apply the law in practice [15]. N. Xasanov argues that an individual's legal consciousness constitutes an integral component of the legal culture of society and particularly notes that, without raising the level of individual legal culture, it is impossible to eliminate legal nihilism in society [16].

As can be seen, definitions of legal nihilism are numerous and sometimes contradictory. However, there is nothing unusual about this. Disagreements and debates are a normal feature of any scientific discipline; what matters is that they contribute to the advancement of knowledge. Nevertheless, the lack of precision and the excessive generality found in some definitions prevent them from fully revealing the essential content of the phenomenon. Deliberate overcomplication and the pursuit of originality at any cost do not necessarily signify genuine scientific novelty.

In this regard, the following observation by V.I. Chervonyuk is noteworthy: "although it may seem pessimistic to acknowledge that legal nihilism is not a pathology but rather the norm, it is, unfortunately, closer to the truth" [17]. At first glance, this assertion may appear unacceptable; however, it clearly demonstrates how deeply rooted legal nihilism is in society. In our view, this very circumstance underscores the need for a targeted and systematic approach to combating this phenomenon. Indeed, nihilism, having firmly established itself at the level of everyday legal consciousness, is increasingly becoming not only an individual but also a defining feature of social life. Its scale is so vast that it is assuming the character of a national affliction, causing immense and irreparable harm to society.

The spread of legal nihilism among young people is closely linked to the low level of their legal culture. As noted in various studies, young people often limit themselves to merely acquiring legal knowledge and are unable to effectively apply it in practice or use it consciously in real-life situations. In this regard, according to U. Tojixonov and A. Saydov, legal culture encompasses knowledge of legal norms, full compliance with them, and their practical application in everyday life. Therefore, enhancing the legal culture of young people is one of the key means of combating legal nihilism [18].

At the level of mass and group consciousness, legal nihilism is defined as a generalized and consolidated social attitude formed from numerous individual attitudes. Its essence lies in the psychological reaction of individuals or society as a whole to external influences in relation to the legal regulators being rejected [19].

One of the key ways to combat legal nihilism in modern society is to strengthen moral resilience. According to A. Ataev, moral resilience and a healthy socio-spiritual environment play a crucial role in the development of contemporary society: moral resilience manifests itself as the ability of young people to resist various negative influences, including phenomena such as legal nihilism [20]. From this perspective, within the framework of the large-scale reforms being implemented in Uzbekistan, raising public awareness of new normative legal acts, explaining their content and substance, and effectively organizing legal awareness campaigns should become one of the priority directions of state legal policy.

At the same time, the role of law in modern society is steadily increasing, as it serves as one of the primary regulators of social relations. In this regard, the words of I.A. Ilyin are particularly pertinent: "For the people,

knowledge of the law is both necessary and appropriate; it constitutes an integral part of legal life. Therefore, any system in which people are not given the opportunity to know the law is absurd and dangerous... As a spiritual being, a person cannot live without law” [21].

Traditionally, in academic literature, the analysis of legal nihilism is presented through the following characteristics:

first, nihilism is the denial or rejection of absolute and objective social values or laws;

second, nihilism is regarded as an ideological and psychological phenomenon, a type of social consciousness with its own specific structure, independent forms, and bearers;

third, nihilism is not merely the denial or rejection of objective reality, social values, and laws, but also involves the advancement of independent ideas, views, and an ideology based on such denial;

fourth, nihilism is a social phenomenon that disrupts the stability and order of social relations;

fifth, nihilism, as an independent phenomenon of social consciousness, manifests itself in various forms depending on the object of its denial [22].

Based on the foregoing, legal nihilism can be characterized as a phenomenon with the following features: *first*, it has a negative orientation; *second*, it embodies denial at its core; *third*, it exhibits autonomous origin and development within the sphere of worldview; *fourth*, it is based on the selection of alternatives to the legal regulation of social behavior.

In academic literature, three clearly distinguishable levels of legal nihilism are identified:

- the general societal level, characterized by the denial of the supremacy of law at the level of the entire social system and its governing structures;
- the level of specific social structures, manifested within state and non-state, as well as formal and informal institutions;
- the individual level of legal nihilism [23].

5. Conclusion

Thus, legal nihilism can be regarded as a destructive characteristic of the individual. A negative attitude toward legislative norms, the denial of generally binding rules of conduct, or their gross violation can not only hinder progressive developments but also undermine social achievements attained through considerable effort. Therefore, eliminating legal nihilism in Uzbekistan is not merely a legal-technical issue, but a deeply rooted social, moral, and pedagogical problem that requires a comprehensive approach and coordinated efforts by state bodies, civil society institutions, and the education system.

In conclusion, legal nihilism is one of the most complex and multifaceted phenomena within society’s legal consciousness, and the issue of its scientific definition remains unresolved to this day. Despite differing interpretations of this phenomenon, researchers arrive at a common conclusion: legal nihilism is a systemic

expression of a negative attitude toward the law formed at both the individual and societal levels. Its roots lie not only in legal illiteracy but also in the complex interaction of social, historical, and moral factors. The multi-layered nature of this phenomenon indicates that narrowly focused legal measures alone are insufficient to eliminate it.

6. Future suggestions

1. To develop a system of sociological indicators to determine the level and scope of the spread of legal nihilism, and to conduct comparative empirical studies across various social groups;
2. To examine the new forms of legal nihilism emerging in the digital environment and on social networks, as well as the mechanisms for their prevention;
3. To provide a scientific justification for an interactive and practice-oriented pedagogical model for the formation of legal culture within the education system;
4. To conduct a comparative legal analysis of the experiences of Central Asian and developed countries and to develop preventive mechanisms adapted to national conditions.

Declarations

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Consent for publication

The author contributed to the manuscript and consented to the publication of this research work.

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