


Legal Nihilism and its Impact on the Rule of Law in Contemporary Society

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Annotation

This article analyzes the concept of legal nihilism, its essence, the factors contributing to its formation, and its negative consequences for social life. Legal nihilism is examined as a socio-legal phenomenon characterized by the development of a negative, dismissive, and disrespectful attitude toward law and legal norms within society. The study also identifies and analyzes key factors contributing to the emergence of legal nihilism, including corruption, the low quality of legislation, declining public trust in state authorities, and violations of human rights.

Key words: rule-of-law, legislation, legal nihilism, society, state, legislative, corpus, lawmakers, human rights, legal illiteracy

Introduction

The phenomenon of legal nihilism has been extensively discussed and examined in scholarly literature. Nevertheless, the problem of its proliferation becomes particularly significant in the context of the proclaimed course toward the establishment of a rule-of-law state[1]. The concept of a rule-of-law state presupposes that the state itself is bound by law and legislation, that all subjects of law without exception are subordinated to legal norms, and that society demonstrates a high level of legal engagement based on a positively oriented legal consciousness[2].

Research Methodology

This study is devoted to examining the phenomenon of legal nihilism and employs a range of general scientific and specialized research methods. In the course of the research, the methods of analysis and synthesis were applied to examine the concept of legal nihilism, its key characteristics, and the forms of its manifestation within society[3]. A systemic approach was also employed to analyze the interrelation of legal nihilism with social, political, and legal factors. During the research process, the theoretical foundations of legal nihilism and the specific features of its manifestation in contemporary society were comprehensively examined on the basis of academic sources, including monographs, scholarly articles, and normative legal documents[4].

Results

Nihilism (from the Latin nihil, meaning “nothing”) is a philosophical doctrine that calls into question and, in its most radical form, outright rejects generally accepted values, ideals, moral norms, cultural principles, and the fundamental assumptions upon which societies are built. These include concepts such as objective truth, knowledge, morality, value systems, and the meaning or purpose of life [5].

Different nihilistic positions maintain, in various ways, that human values are devoid of intrinsic meaning, that life itself lacks inherent purpose, and that knowledge may ultimately be unattainable. In its general sense, nihilism implies a form of negation or a critical often negative attitude toward particular, or even all, aspects of social life. In lexicographic sources, nihilism is also defined as “negation,” “absolute denial,” a “socio-moral phenomenon,” and a specific intellectual disposition or state of mind [6].

Legal nihilism represents a specific form of social nihilism as a broader, generic concept. Its essence lies in a generally negative, dismissive, and disrespectful attitude toward law, legislation, and the normative legal order. From the perspective of its underlying roots and causes, legal nihilism is largely associated with legal ignorance, intellectual inertia, social backwardness, and the insufficient legal education and civic legal culture of the majority of the population.

At present, it can be stated with confidence that legal nihilism has become a social phenomenon firmly entrenched in the public consciousness. Consequently, it is necessary to examine the reasons for its emergence and persistence. The term legal nihilism was first introduced by A. Yu. Sotnikov in his 2008 work “Stolen Power: Legal Blackmail as a Method of Forming a Bribery Market.”

It is evident that this phenomenon has its origins in ancient times; however, for a long period it was not designated by a specific conceptual term. In his study, A. Yu. Sotnikov associates this concept with the description of officials’ behavior, characterizing it as the deliberate disregard of law by public officials, who ignore the legal system as a regulatory framework

governing social relations [7]. Legal nihilism, of course, is associated not only with representatives of state authority but also with individuals regardless of their social status. Moreover, it may be connected not only with the level of legal culture within society but also with the spiritual and moral values of each individual, who independently determines the principles by which he or she is guided.

With regard to the concept of legal nihilism, a comprehensive definition of this phenomenon was provided by N.I. Matuzov: "Legal nihilism is a psychologically negative attitude toward law on the part of citizens, officials, as well as state and public institutions, accompanied by actual unlawful actions committed by these subjects. It is a phenomenon that manifests itself as an element of social consciousness, a way of life, a mentality, and a pattern or line of behavior characteristic of an individual or a collective" [8].

One of the key aspects of this phenomenon is a condescending and dismissive perception of law an arrogant, contemptuous, and skeptically indulgent attitude toward it. Within such a perspective, law is not regarded as a fundamental and foundational principle but rather as a secondary phenomenon within the broader hierarchy of human values. This perception, in turn, reflects the level of a society's civilization, as well as the state of its collective spirit, prevailing attitudes, social sentiments, and established habits.

A lack of belief in the lofty purpose, potential, and even the necessity of law constitutes the moral and psychological genesis of this phenomenon. Furthermore, attitudes toward law may also manifest in a purely indifferent form, characterized by apathy or indifference, which likewise indicates an underdeveloped legal consciousness and a deficiency in the legal mentality of individuals. Ultimately, the issue concerns the lack of societal demand for law and a general aversion to order.

The problem of legal nihilism has remained relevant since the emergence of legal institutions in our country and continues to persist in the present day. At various historical stages, it has attracted the attention of scholars and practitioners, as well as writers, poets, and statesmen. The necessity of combating legal nihilism is still widely discussed today[9].

At present, the phenomenon of legal nihilism has not yet been fully explored or comprehensively understood. There are numerous situations in which laws are deliberately ignored, violated, inadequately observed, or treated without the respect they require.

The phenomenon of legal nihilism can be identified through several distinctive features:

- Widespread prevalence within society;
- Insufficient control and oversight over compliance with legal norms;
- The existence of multiple forms of manifestation within the state and its institutions;
- The interaction and overlap with other forms of nihilism, particularly religious, moral, and similar varieties;
- The combination of nihilistic attitudes with various forms of social protest;
- The dissemination of nihilistic ideas through mass media, literature, and film.

Legal nihilism is a complex, multifaceted, and often insidious phenomenon. It possesses the capacity to evolve rapidly and adapt to changing social, political, and cultural environments.

Legal nihilism manifests itself in several distinct forms, including the following:

- Deliberate and intentional violations of existing legislation and other normative legal acts;
- Widespread and mass non-compliance with legal norms across various spheres of social life;
- “Wars of laws,” characterized by the adoption of contradictory, parallel, or even mutually exclusive legal acts by different authorities;
- The substitution of legal legitimacy with political, ideological, or pragmatic considerations in the process of decision-making and governance [10].

Discussion

Researchers who examine the characteristics of contemporary legal nihilism tend to identify several key features of this phenomenon:

1. Its demonstrative, confrontational, aggressive, and largely uncontrollable nature;
2. Its mass character, reflected in its widespread distribution within society;
3. The diversity of its forms of manifestation across various spheres of social life;
4. A pronounced level of destructiveness, accompanied by oppositional and populist tendencies;
5. Its interconnection with state, political, moral, and other forms of nihilism, which contributes to the extensive spread of destructive social processes;
6. Its association with negativism, an ideological and social current that significantly influenced Soviet society and later extended into Russian society [11].

At the level of mass and group consciousness, legal nihilism can be conceptualized as the interrelation of three components: cognitive (awareness and understanding of an object and situation), affective (their emotional evaluation), and conative (a behavioral disposition or readiness to act and respond).

Within the framework of this model, legal nihilism may be defined as a state of social consciousness characterized by legal incompetence, the denial of the social value of law, and the widespread prevalence of unlawful behavior [12].

The phenomenon of legal nihilism can rightfully be characterized as a social phenomenon, since it possesses all the essential attributes and properties inherent to social processes. Legal nihilism permeates the everyday life of the “ordinary” individual; it is both pervasive and universal, which indicates its deep-rooted nature as a distinctly social phenomenon.

In analyzing the causes of the social phenomenon of legal nihilism, scholars generally distinguish between two principal approaches: the subjectivist and the objectivist.

The subjectivist approach considers people's awareness of the non-enforcement of laws, as well as a dismissive and disrespectful attitude toward law as a regulator of social relations, to be the primary cause of legal nihilism. From this perspective, the fundamental problem of any legal society becomes evident—namely, the low level of legal literacy among the population. Insufficient legal awareness often encourages individuals to disregard legal norms, potentially leading to violations of the law and even the commission of crimes.

In contrast, the objectivist approach places the origins of legal nihilism in broader structural and environmental factors, including geographical determinism and the vastness of territorial spaces, which may complicate effective legal regulation and enforcement.

A. Kh. Fetkulov, F. S. Momysheva, and R. R. Khakimov examine the issues related to the causes of legal nihilism^[13]:

1. One of the primary causes of legal nihilism in society is pervasive corruption. The social danger of corruption lies in the emergence of latent and illegal mechanisms of power. Among the most serious consequences of corruption within state and local government institutions is the expansion of the shadow economy, as well as the creation of conditions conducive to the growth of underground and semi-legal business activities. This, in turn, leads to an increase in the bribery of bureaucratic officials and, consequently, to a growing level of public distrust toward governmental authorities. Such circumstances constitute the initial prerequisites for the expansion of nihilistic attitudes within society. Moreover, corruption fosters a climate of impunity for economic crimes and financial manipulations that undermine the national economy [14].

2. Another cause of nihilistic attitudes toward law is the erosion of public trust in the legislator and the low quality of legislation itself. Moreover, the excessive expansion of the legislative corpus, the accumulation of numerous legal acts, and contradictions in the regulation of identical issues often create confusion approaching legal disorder. The prestige of the legislator has declined to such an extent that citizens tend to perceive even proposed laws before their adoption as poorly conceived and insufficiently justified. Delays in the legislative process, as well as the skepticism expressed by prominent scholars, experts, and specialists, further intensify public doubts regarding the competence of lawmakers and their ability to find effective solutions to increasingly complex social problems.

3. This situation creates an atmosphere of alienation between public authorities and citizens, thereby fostering negative attitudes toward legislation among the population. In many cases, the authorities provide explanations regarding why and how certain decisions were made; however, such explanations are often offered only after the decisions have already been adopted. As a result, citizens may perceive that the authorities not only fail to take their opinions into account but also diminish, and in some instances directly violate, their rights [15].

4. A significant source of legal nihilism is the violation of fundamental human rights, as well as the infringement of the principle of equality before the law. Such violations undermine public confidence in the law and in the state's ability to ensure order and stability in society and to protect individuals from criminal encroachments. The perceived impotence of the

legal system, in turn, generates irritation, dissatisfaction, and protest among citizens. In this way, law itself may appear to become a factor contributing to the emergence and spread of nihilistic attitudes.

5. Another factor contributing to the emergence of legal nihilism can be found in unsuccessful legal reforms, particularly those based on the reception of Western law and the transplantation of Western legal institutions.

Thus, legal nihilism may be regarded as an independent and autonomously existing component within the sphere of legal reality. While law itself is primary, legal nihilism emerges as a secondary phenomenon. In other words, the existence and functioning of law may give rise to legal nihilism as a reaction to it. This phenomenon can be conceptualized as the rejection of three fundamental components of a rule-of-law state.

First, the existing legislation. In this case, a negative attitude toward laws prevails, and unlawful behavior is often justified or perceived as acceptable.

Second, the legal order, when individuals regard the actually existing legal order which does not always coincide with the prescriptions of the law as incorrect or unjust.

Third, the fundamental ideas and principles underlying legislative regulation. This is manifested in the failure of mass consciousness to perceive or accept the essence and significance of freedom and the principle of formal equality among participants in social interaction.

The main ways to overcome legal nihilism include the following:

- enhancing the general and legal culture of citizens, as well as strengthening their legal and moral consciousness;
- improving and refining legislation in order to ensure its clarity, consistency, and effectiveness;
- preventing legal violations, particularly criminal offenses;
- strengthening legality, the rule of law, and state discipline;
- ensuring respect for and comprehensive protection of individual rights, along with widespread public education and legal awareness campaigns;
- training highly qualified legal professionals;
- accelerating the implementation of comprehensive legal reforms, among other measures.

Ultimately, all forms and methods of combating legal nihilism are closely connected with society's ability to overcome a profound systemic crisis—social, economic, political, spiritual, and moral. At the same time, much also depends on the active stance of individuals themselves and their willingness to resist destructive and unlawful tendencies within society.

The renowned legal scholar Rudolf von Jhering wrote: "Everyone is called upon and obliged to suppress the hydra of arbitrariness and lawlessness wherever it dares to raise its head. Anyone who enjoys the benefits of law must, in turn, support according to their abilities the

power and authority of the law; in short, every individual is by nature a defender of law in the interests of society”.

The struggle against legal nihilism should begin at the state level and be conducted in the interests of the people. It is necessary to improve legislation, prevent legal violations, strengthen legality and the rule of law, and implement appropriate socio-economic measures.

At the same time, the fight against legal nihilism should also involve public organizations and associations, as well as the mass media. In cooperation with the state, these institutions should promote legal education, legal awareness, and the development and dissemination of a sound legal ideology within society.

Thus, legal nihilism, as a form of deformation of legal consciousness manifested in the disregard for law, a negative societal attitude toward legal norms, principles, and institutions, criticism of governmental authority and the activities of public officials, and attempts to diminish the role of law in regulating social relations, produces significant negative consequences for society.

Conclusion

Society, being aware of the existence of legal nihilism and its consequences, should not ignore this phenomenon. Through the coordinated efforts of the state and public organizations, it is possible to overcome elements of distorted legal consciousness and create the necessary conditions for the development of a high level of legal culture and public legal awareness.

Educational influence should be implemented in various directions, ranging from the elimination of basic legal illiteracy to the formation of a profound understanding of, and internal acceptance of, the role of law as one of the most important regulators of social life. These attitudes and values must become sufficiently strong and stable so that potential problems in legal regulation do not lead to the emergence of new distortions in legal consciousness.

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