

THE POSITION OF LAW IN STATE ADMINISTRATION IN ANCIENT PERIOD IN THE TERRITORY OF ZBEKISTAN**Umarova Shakhlo Bakhtiyorovna**

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One of the main tasks of the science of the history of state and law is the in-depth scientific and objective study of the history of the emergence and development of the state and law in the territory of Uzbekistan under the conditions of independent statehood, the independent Uzbek statehood and its legal system based on the political and legal achievements of historical development. to use for improvement, and also to present our rich and unique history to the world community.

This topic is dedicated to the first, in turn, complex period of the history of statehood and law in the territory of Uzbekistan, in which the conditions and reasons for the emergence of political and legal institutions, the first state structures, their political system, the sources, networks and institutions of law, the stages of development before the conquest of Central Asia by the Arabs, and their specific features are the main focus.

When talking about the history of Uzbek statehood, it is necessary to refer to the concepts of "Central Asia" and "Movarounnahr" in science, where it is located. Central Asia is located in a vast area bordered by the Caspian Sea to the west, Iran, Afghanistan and the People's Republic of China to the south and east, and the northern border to the north (latitude 45°/32'), with a total of 1 million people. It is 984 thousand sq. km. Central Asia served as a bridge connecting the Ancient West and the Ancient East.

The development of the state and law in Uzbekistan has a history of several thousand years. At different stages of historical development, there were empires covering many countries and small states that arose due to disintegration in the territory of our country.

According to historical data, at the beginning of the first millennium BC, there were about 20 tribes in the territory of today's Central Asia, which united into several tribal unions. Among them, the union of Massagets, uniting several Saka tribes, stood out from the union of other tribes. Therefore, the roots of the Turkic peoples, including the Uzbek people, go back to these massages. The union of Massaget tribes included the following peoples: the Apasiaks living in the ancient Syrdarya basin, along the eastern banks of the Amudarya and in Karakum, the Dakhatoras living in the middle reaches of the Syrdarya, the Derbies who lived in the lower part of Zarafshan and the middle reaches of the Amudarya, the Nurota mountain sakavaraks settled in, Usun stretching from the middle stream of Syrdarya to Tianshan were also part of the Khorezms in ancient times.

The members of the clan united in the tribe engaged in common work, property was used equally, men and women had equal rights, women participated in wars along with men, each tribe had its own chief. that the heads of some tribes are women, that issues related to the common interest of the tribe are discussed and resolved at the meeting of the members of the tribe, that each tribe, clan has its own traditions and rules lib, some information about their strict adherence has reached us.

Abulghozi Bahadirkhan, the author of the work "Shajarayi Turk" gives the following information about the administration of the state, implementation of judicial proceedings, and the relationship between the people and the head of the state in ancient nations: "The ancient people were better than the people of this time. If the people and the people gather together and know how to act, or if a sinner can ask, or if he is able to manage something, why does the king put a horse on a brave man and kill him in the net of his house?, they put all the people's decisions in his hands". Today, science does not have a clear answer to the question of when and under the influence of what factors the state and law appeared in Central Asia, including the territory of the Republic of Uzbekistan. There are only some assumptions about this. It is known in modern history that there were state associations in Uzbekistan in the first millennium BC, that they waged wars against foreign enemies, went back and forth with neighboring countries, and established economic, cultural and trade relations. However, there is no clear and complete information about the structure of these state associations, the form of management, state bodies, officials, their powers, laws, and types of responsibility for violating them. Currently, a partial answer to these questions can be found in "Avesto".

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November 15th 2022

At this point, it should be noted that "Avesta" is a source related to the period after the 7th century BC. According to the researchers, during this period there were three large state associations in the territory of the present Central Asia. They are Greater Khorezm - the northern lands in the lower reaches of the Amudarya, Murgab oasis and Parthian regions, Bactria - the present-day Surkhandarya and the lands near the Amudarya in Tajikistan, and the regions of Northern Afghanistan, Sogdiya - the lands that drank water from the Zarafshan River, and the Kashka oasis.

The period from the 13th century to the 8th century BC was the period of emergence of statehood and state formation in Khorezm. In the period from the 8th to the 6th centuries BC, the rulers of Khorezm managed to unite many regions and peoples around the country and establish a confederation based on military-democratic principles, known in history as "Greater Khorezm". This state functioned until the Achaemenid conquest of Iran.

According to historical sources, the territory of Central Asia was part of the Assyrian state in the VIII-VII centuries BC.

In the middle of the 6th century BC, a powerful Achaemenid state was established in Iran. The socio-political life and legal system of the peoples of Central Asia from the middle of the 6th century BC to the second quarter of the 4th century BC is closely related to the state and legal system established by the Achaemenid dynasty, which ruled this area. The Achaemenid kings established their rule in this region thanks to the series of attacks on the lands of Central Asia. Their reign lasted for more than two centuries.

The Achaemenid state was a powerful centralized state with a single administrative system, a strong army, a single currency, and was administratively divided into tax-paying satraps (khshatrapas).

According to sources, the number and territory of satraps varied in different periods. In particular, Sogdiya, Bactria and Khorezm formed separate satrapies. According to the historian Herodotus, "Central Asia was divided into four satrapies. The tribes living along the coast of the Caspian Sea were included in the XI satrapy and paid 300 talents (a talent is about 30 kg (or more) of silver). Khorezm, Sogdiana and Parthia formed the XVI satrapy and paid 300 talents. Bactria organized the XII satrapy and paid 360 talents. Finally, the Sakas entered the 15th satrapy and paid 250 talents.

According to the form of government, the Achaemenid state was unitary (simple) with a centralized structure. All power was concentrated in the hands of the king, who ruled the country relying on a strong central state apparatus. After the king, the hazarapat (thousand chief) was second in the state apparatus. He supervised the activities of all state bodies and officials and managed the central office. He was in charge of the king's personal guards and informed the king about complaints and petitions. Secretaries, inspectors, people collecting information for the king, communication service employees and others were subordinated to the Central Cabinet. Iranian nobles are usually appointed to the main positions in the state administration.

In the satraps, all power was concentrated in the hands of the satraps, who were appointed and dismissed by the king of Iran. At first, non-military people were appointed to the post of satrap, and later military people. Satraps were in charge of administrative management and judicial power. He supervised the implementation of economic activities, the timely collection of taxes and fees, the activities of officials, and the provision of safety on the roads in the satrapy. Satraps had the right to issue silver and copper coins. An administrative office was established under the satrap, in which the head of the office, treasurer, tax collectors, court investigators, secretaries, heralds worked. A large number of military troops were kept in the satraps, and they were commanded by commanders directly subordinate to the king. After the death of Darius I (522-486 BC), the order of separate civil and military power was abolished.

Different legal systems and institutions followed in different regions of the Achaemenid state. There is information that during the reign of Darius I, laws were adopted to establish a unified legal system. However, the laws of the Achaemenid state have not reached us.

1. In 358 BC, the efforts of the Achaemenid ruler Artaxerxes III to restore the former territory of the state were unsuccessful. In 337 BC, his son Arses takes his place. The court nobles put Darius III on the throne. Political instability leads to weakening of the central authority. Due to the struggle of the peoples of Central Asia against the rule of the Achaemenids, from the second half of the 4th century BC, the Khorezm people, and later the Sak tribes, gained independence.

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By this time, Bess, the governor of Bactria, declared himself the "King of Asia" and tried to establish a single state that included Bactria, Margiya, Sogdiya and Parthia. But the Greek-Macedonian army does not allow this. Alexander the Great's troops first occupied Navatak and then Marokand. Macedonians continue their invasion campaigns in Central Asia for three years. As a result, most of it was incorporated into Alexander's empire. Only as a result of Farazman, the ruler of Khorezm, forming an alliance with Alexander the Great, he retained his independence.

Satrapas are preserved during Macedonian rule. Satrapas were initially appointed from Iranians, but later they were appointed from Macedonians. Under the satrapas, the position of managing military and financial affairs is established. Satrapas are deprived of the right to issue coins and keep mercenary troops. Local governance is carried out by compromise.

After the death of Alexander the Great (323 BC), the territory of Central Asia was included in the Seleucid state (Babylon, Bactria, Sogdiana). Due to the wars for power in the Seleucid state, an independent Greco-Bactrian kingdom was established in the middle of the 3rd century BC. It included Bactria, Sogdiyona, Margiyona and Parkana (Fergana). Later, the Parthians separated from it and formed the Parthian kingdom.

One of the states that has left a certain mark in the history of the peoples of Central Asia is the state of Kang. According to the latest data, this state appeared at the beginning of the III century BC. In this process, the struggles against the rule of the Greek-Macedonians and internal disputes played a special role. The territory of the Kang state initially consisted of the lands in the middle reaches of the Syrdarya (Tashkent oasis and adjacent mountain and desert areas). By the beginning of the 2nd century BC, the lands of the Kang State expanded somewhat, reaching the Fergana Valley (Dovan) in the east, the Usun River in the northeast, and the lower reaches of the Syrdarya in the west. This large area included the Tashkent oasis, the Talas valley, and partly the lands downstream of the Chu River. In the 2nd and 1st centuries BC, the Khangs conquered the lands between Amudarya and Syrdarya, as well as Khorezm.

The head of the Khang state was the khagan, and all power was concentrated in his hands. The Khakan has a council of elders, which acts as an advisory body. The entire territory of the Kang state was divided into five estates (Susei, Fumu, Yunis, Giye, Yuegian), which were ruled by viceroys. The estates, in turn, were divided into regions. They were ruled by jabgu (jobu, yobu). Nomadic nobles had a high position in the socio-political system.

By the middle of the 3rd century BC, an independent Greco-Bactrian kingdom was formed. It included Bactria, Sogdiyona, Margiyona, Parkana (Fergana). Detailed information about the socio-economic system of the Greco-Bactrian period has not been preserved in the sources. In particular, there is only information about the existence of slaveholders, free community farmers, various classes of dependents and slaves in the society, the number of cities grew, political and economic centers expanded, and crafts developed.

The state apparatus of the Greco-Bactrian kingdom was not so large, complex and centralized. All power was concentrated in the hands of the king, and in most cases his son was also considered the king. The whole country was divided into satrapas. According to the work "Milinda-Pankha" (II century), there is information about the high military commander, the first minister, the chief judge, the head of the treasury, ceremonial umbrella and sword bearers in the Indian part of the Greco-Bactrian state. In this work, about the powers of the "village mayor", the expansion of Christian and economic centers, the rapid development of handicrafts, the village mayor calling the villagers to his presence through heralds, and the requirement that the owner of the house or the head of the family arrive at his call, There are reports that slaves, servants, peasants will not come.

Representatives of the Arshak dynasty played a decisive role in the establishment and development of the Parthian kingdom as an independent state. According to the rules established in this kingdom, the head of state must be from the Arshak family. At the same time, two councils played an important role in state administration: councils of tribal nobles and councils of priests. For example, the new ruler was elected with the participation of the same two councils. Of course, the will of the late ruler was taken into account. In other words, the succession to the throne took place within the same dynasty, but there was no specific order, that is, the place of the previous ruler could be taken by his son or brother, or, if not, by any representative of the Arshak dynasty. It seems that the position of the councils has been strong in this matter.

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The Arshakites divided the kingdom into estates (satrapies). At the same time, it should be noted that the status of all properties is not the same. For example, Hyrcania, Seistan (Sakistan) minted their own money as semi-independent properties.

By the 2nd century BC, a period of political instability begins in the history of the peoples of Central Asia. In this century, Sogdia separated from the Greco-Bactrian kingdom. Margyona was conquered by the Parthians. Later, the state of Tokharistan, bordering the state of Khorezm, was established in the territory of Central Asia. This country was later divided into small kingdoms. At that time, Khorezm, Sogdiana and Choch (Tashkent) were part of Khorezm state.

Since the information about the structure of the state of Takharistan and the form of its management and the central and local bodies of this state have not reached us in full, we have to limit ourselves to the opinions of Azamat Zia about this. He writes: "Regarding the issue of the management of Tokharistan, it should be noted that the activity of Tohars (Yuechjis) who came from the north and local influential circles is related to the name of five political houses." According to Chinese authors, they consisted of the following: "Hyumi, Shuanmi, Guishuan (Kushon), Haitun, Gaofu. The headman over each of them had the title of yabgu (jabgu), and each yabgu sat in his own residence. For example, the chief (governor) of Hyumi was in Homo, the governor of Shuanmi was in Shuanmi, the governor of Guishuan was in Hotzo, and the governor of Haitun was in Gaofu. It seems that neither house was able to rule over the other. Zhang Xiang's testimony such as "Dakhya (Bactria) does not actually have a supreme ruler, each city has its own governor" leads to this conclusion. In our opinion, "every city" mentioned in the Chinese sources must mean the residences of the heads of the existing five political dynasties. At the same time, it cannot be ignored that these five estates (dynasties) are dependent on the Yuechi, and the capital of the Yuechi is located on the right bank of the Amudarya. In our opinion, the Yuechji (Tokhars) ruled the country from the outside, like the Hephthalites and Genghis of the later period. Information confirming this can also be found in Chinese sources. In particular, the great Yueji is actually a nomadic state. The population moves from one place to another with their goods, and it is said that their customs are similar to those of the Huns.

A number of interesting information about the state of Parkana can be found in Chinese sources Chinese ambassador Zhang Xiang, who was on a trip to Fergana, Sogdiana, Bactria in the 20s of the 2nd century BC, testified that the population of Fergana consisted of several hundred thousand people, and the military force numbered 60 thousand. It is known from Chinese sources that the ruler, his two assistants (ministers) and the council of elders functioned in the administrative system of Ferghana. The assistants should be appointed mainly from among the relatives of the supreme ruler. However, in addition to active participation in social, political and foreign relations of the country, the council of elders also has the power to participate in events related to the activities of the Supreme Ruler. There are many testimonies that show that the Council of Elders took a leading role in events such as opening a war, concluding a peace treaty, appointing a new ruler, and dethroning him. For example, during the invasion of Ferghana by the Chinese, the council of elders came out in favor of a mutual peace and achieved it. Otherwise, Muguy, who was found to be the cause of the events related to the invasion of the Chinese, was executed by the verdict of the Council of Elders.

In 263 BC, due to the wars for power in the Seleucid state, the Parthian kingdom was established in the territory of the present Republic of Turkmenistan. Later, Parthia will become one of the most powerful countries in the world. Its social structure consisted of noble warriors, light-armed cavalry; free collectives consisted of peasants and slaves. The head of state was the king, whose power was limited to two councils. The first council is the clan nobles, the second is the council of priests. Together, these two councils elected a new king, taking into account the will of the previous head of state about the heir. The Parthian state was divided into several small kingdoms, whose rulers exercised the right to mint their own coins. These small kingdoms were divided into satraps, they were divided into hypaharis, and they were divided into statmi. A group of satraps were headed by marzpan.

Each village formed a separate fort and was managed by the head of the fort known as dizpat. Dizpats were subordinate to the satrap. Tiridates, the head of the cavalry. There were several treasurers. Officials such as mirza, muhrdar, and accountant were involved in collecting taxes and storing the collected products. The main task of the local authorities was to collect taxes and keep the people obedient to the existing rules. According to some sources, large cities had self-government bodies, cities had coins.

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At the end of the first millennium BC and the beginning of the first millennium AD, one of the states that had a great position in Asia was the state of the Huns. The Huns, the ancestors of the Uyghurs and other Turkic peoples, created the powerful Hun Tangrigut (empire), which ruled for 500 years from AD to 209 BC.

The territory of this empire extended to the shores of the Great Ocean in the Kunchikar, to the middle climates of the Lena River, Baikol (Lake Baikal), Yansi River in the north, to the Great Wall of China in the south, to the north of India (Sind) in the south-west, the Yaksarts, the northern and north-eastern parts of the Syr Darya, inhabited by Abins, Assions and other tribes, extending to the shores of the Caspian Sea in the west.

According to historical sources, the Huns frequently attacked neighboring countries. These attacks have been successful in most cases. But soon, a conflict arose between the Huns, and the division into southern Huns (White Huns) and northern Huns (Blue Huns). In one such war, the Kushans-White Huns were defeated by the Blue Huns and forced out of Kashgar, passing through Ferghana to Bactria and occupying it. Part of the Hunnu tribes settled in Siberia in the III-II centuries BC. In the 2nd century BC, the Huns moved from Central Asia to the pre-Ural regions. As a result of their mixing with the local Sarmatians, the Hun tribes (Huns) appeared. A part of the Hun tribal union moved to the bottomless deserts along the Yettisuv and Syrdarya rivers and mixed with the local Sak and Massaget tribes. At the top of the state of the Huns stood shanyuy (great zeal). The position of Shanyu was held by the eldest of the 24 clan chiefs belonging to the Hun tribe. Although he had great powers, his power was not absolute. Shanyu's power was limited by clan chieftains who each had 2,000 to 10,000 cavalry. In the early days, Shanyu was elected by the clan chiefs, and later the election was replaced by the enthronement ceremony. By the last period of the Hunnic state, the power of the head of state was inherited from father to son on the basis of a will. The head of state, Shanyu, was in charge of the military, diplomatic and religious spheres. The legislative power was also in his hands.

Among the clans of the Hun tribe, the Huyan, Lan and Xuybu clans are considered noble clans, and their representatives are appointed to high positions in government offices. For example, a representative of the Syubu clan was appointed to the position of judge. Although the other clans were deprived of the privileges enjoyed by the noble clans, they were independent in their internal affairs. They had their own rulers, and their power was inherited by their sons.

In the central administrative office of the Hunnic state, the main tasks were divided between princes, serving nobles and clan nobles. The importance of religious, historical, and legal documents is incomparable in studying the history of statehood and law of ancient times.

Different regions of the Achaemenid state had different legal systems and institutions. There is information that laws were passed in order to establish a unified legal system during the reign of Darius. But these laws have not reached us. According to the information that has reached us, the king's opinion, conclusion, and decision played a decisive role in the Achaemenid state. His decision was firm and could not be changed. But the king had to respect the traditions of the Persians and work in consultation with the representatives of the seven noble clans in managing the state.

Darius I appointed judges to hear individual cases, which he decided personally. Ordinary crimes were tried by judges appointed by the king. The position of a judge was inherited by a child. Crimes against the king and his family members were considered the most serious crimes and were punishable by death. In most cases, entire family members were sentenced to death. The death penalty was not used for the first offense of other crimes, but only for the commission of several crimes.

One of the sources of law of ancient times is "Avesta". In the 9th century BC, worship of Mazda and the holy book of this religion "Avesta" appeared. According to research, "Avesta" was composed approximately from the 9th century to the 4th century BC. This rare book is a spiritual and historical legacy left to our generations by our ancestors who lived on this earth. The book "Avesta" is a historical document that testifies to the existence of a great state, a great spirituality, and a great culture in this country, which no one can deny. According to the sources, the Avesta consists of 21 books (transcriptions), ghats (the oldest parts), yashts, traditions and rituals. Its text was written in gold letters on twelve thousand boiled ox hides. This copy was kept in Istahr until the time of Alexander. After conquering this country, Alexander destroyed it. The Avesta consisted of 348 chapters and contained 345,700 words. Legal rules are reflected in the Avesta book Vendidot1. It contains the customs and traditions, customs, morals, culture and education, laws of the ancient Mughals.

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Avesta contains norms of criminal, family-marriage, civil, military, judicial law. Work, creativity, generosity, goodness, purity, goodwill and good words are glorified in Vandido. In its chapters 13 and 14, it is about the value of water, its efficient use, that crops can be watered twice a day, that everyone has the right to receive water that fits into a ditch "one spade" wide and deep, that the priests are involved in the distribution of water. , there are norms about not polluting water, cultivating the land, planting wheat, hemp and fruit trees. Violation of these norms is punishable by forced labor.

Severe punishment is prescribed for those who do not observe cleanliness. If a dead person or dog is buried in the ground and not dug up within 6 months, they are punished with five hundred lashes "aspahih-ashatra" and five hundred lashes "saravushu-charana". If he did not dig up for a year, he was punished with 2000 lashes. Anyone who burns a dead person is sentenced to death.

Regarding marriage, special attention was paid to strengthening the family and raising children. Confession of a husband and wife, for being in a marital relationship without marriage, is prescribed.

In conclusion, in ancient times official crimes - abuse of office, bribery, unjust judgment, against gods and priests, against the person (murder, bodily injury, beating, preparation of poison and cannabis), property There are also reports of punishment for (theft, burning of property, destruction of boundary markers). The death penalty, corporal punishment, confiscation of property, fines, and imprisonment were applied to the criminals. Confessions of the guilty, statements of witnesses, swearing etc. are recognized as evidence in court. During the trial, various tortures were used, such as fire, pressing with a heated iron, pouring molten lead into the chest.

Thus, Avesta and its legal part, Vandidod, served to keep the society clean, glorify virtue, eliminate bad vices, and ensure people's prosperity and good life.

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