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HISTORY OF THE SYSTEM OF CONTROL OVER THE EXECUTION OF LAWS IN CENTRAL ASIAN STATE RELATIONS

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Abstract: In the countries of the world, special structures operate in the processes of monitoring the implementation of existing laws, ensuring human rights, and fighting crime. In this case, the activities of prosecutor's offices are of special importance, and it was considered important to study the stages of development over the centuries. This article analyzes the structures that control the procedures in the society since ancient times in Central Asia and their development in different periods. It should be noted that although the position using the term prosecutor's office was not introduced in the Central Asian states, special positions were introduced in the state administration that control the existing procedures and laws.

The formation of the prosecution system as a separate institution and the exact use of this term is related to the occupation of Central Asian territories by the Russian Empire. It is known that the prosecution system was founded in Russia in 1722 by Peter the Great, and was later introduced after the conquest of Turkestan lands by the empire. This, in turn, indicates that it is important to organize the activities of prosecutor's offices in Uzbekistan and to analyze the historical stages of their activities.

Keywords: Ruler, Avesta, law, law, society, state, prosecution, prosecutor, judge, inspector, control, structure, organization, justice

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**ОРТА АЗИЯДА МЕМЛЕКЕТТІК ҚАТЫНАСТАРДА ЗАҢДАРДЫҢ ОРЫНДАЛУЫН
БАҚЫЛАУ ЖҮЙЕСІНІҢ ТАРИХЫ**

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Түйін: Дүние жүзіндегі елдерде қолданыстағы заңнаманың орындалуын бақылау, адам құқықтарын қамтамасыз ету және қылмыспен күресу процестерінде арнайы құрылымдар жұмыс істейді. Бұл ретте прокуратураның қызметі ерекше маңызға ие болып, ғасырлар бойы даму кезеңдерін зерделеу маңызды деп саналды. Бұл мақалада Орталық Азиядағы көне заманнан бері қоғамдағы процестерді бақылайтын құрылымдар мен олардың әр кезеңдегі дамуы талданады. Айта кету керек, прокуратура терминін қолданатын лауазым Орталық Азия мемлекеттерінде енгізілмегенімен, мемлекеттік басқаруда қолданыстағы процедуралар мен заңдарды бақылайтын арнайы лауазымдар енгізілді. Прокуратура жүйесінің жеке институт ретінде қалыптасуы және бұл терминнің нақты қолданылуы ресей Империясының Орта Азия территорияларын басып алуымен байланысты. Прокуратура жүйесін Ресейде 1722 жылы Ұлы Петр құрғаны, кейін Империя Түркістан жерін жаулап алғаннан кейін енгізілгені белгілі. Бұл өз кезегінде өзбекстандағы прокуратуралардың қызметін ұйымдастырудың және олардың

қызметінің тарихи кезеңдерін талдаудың маңыздылығын көрсетеді.

Кілт сөздер: Билеуші, Авеста, заң, құқық, қоғам, мемлекет, айыптау, прокурор, судья, тергеуші, бақылау, құрылым, ұйым, әділет

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ИСТОРИЯ СИСТЕМЫ КОНТРОЛЯ ЗА ИСПОЛНЕНИЕМ ЗАКОНОВ В ГОСУДАРСТВЕННЫХ ОТНОШЕНИЯХ ЦЕНТРАЛЬНОЙ АЗИИ

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Аннотация: В странах мира в процессах контроля за выполнением действующего законодательства, обеспечения прав человека и борьбы с преступностью действуют специальные структуры. При этом деятельность прокуратуры приобретает особое значение, и считалось важным изучить этапы развития на протяжении веков. В данной статье анализируются структуры, контролирующие процессы в обществе с древнейших времен в Центральной Азии и их развитие в разные периоды. Следует отметить, что, хотя должность, использующая термин "прокуратура", не была введена в государствах Центральной Азии, в государственном управлении были введены специальные должности, которые контролируют существующие процедуры и законы. Формирование системы прокуратуры как отдельного института и точное использование этого термина связано с оккупацией Российской империей центральноазиатских территорий. Известно, что система прокуратуры была основана в России в 1722 году Петром Великим и позже была введена после завоевания Туркестанских земель империей. Это, в свою очередь, свидетельствует о важности организации деятельности органов прокуратуры Узбекистана и анализа исторических этапов их деятельности.

Ключевые слова: Правитель, Авеста, право, общество, государство, обвинение, прокурор, судья, следователь, контроль, структура, организация, правосудие

Introduction

Today, the activities of the prosecutor's office are of great importance in ensuring the rule of law, protecting people's rights, and guaranteeing the rights and freedom of citizens in society.

In recent years, significant changes have been made in the activities of prosecutor's offices in Uzbekistan. President of the Republic of Uzbekistan Sh. Mirziyoev about the role of industry in society "... People can tolerate anything, they cannot tolerate injustice. Prosecutor's office should have a big role in the stability of justice in the society," he said, showing how important the role of this organization in the life of the society is. This, in turn, means that the prosecutor's office should be improved and their activities should be studied more deeply.

Results and discussion

During the study of the organization of the activities of the prosecutors office, it can be seen that this process has passed a long historical stage. If we pay attention to the sources, it is noted that the foundations of prosecution bodies were laid in Ancient Rome, Greece, and Babylon.

The legal norms of the ancient Roman state paid great attention to the restoration of rights violated by other persons, that is, to the original state before the violation of the right.

The Roman people, like other peoples, protected their violated rights through state bodies, especially before the creation of the state court, through the institution of self-defense against violations of rights. After they found out that their rights were violated, first of all, the participant of the legal relationship began to defend himself, relying on his strength, knowledge, intelligence and other characteristics. If he alone cannot restore the violated right, or stop its re-offending, and if he is

unable to ensure the relations of destruction of the circumstances of the violation, in such a case, those who call their family members for help [1,263].

With the advancement of the society, the institution of self-defense, that is, on an individual basis, wild, barbaric struggles and resistance lost its essence. It was replaced by relations of protection of rights violated by the state on the basis of discipline, but until these relations entered into full force, the institution of self-defense still existed on the basis of the developed Roman law. While action based on this institution means action to be taken by interested parties only in emergency situations, self-defense consists of relations that are performed immediately, like the sudden return of seized property to its owner[2,263].

This relationship is to restore the violated right, to ensure that it will not be committed again, and to destroy the committed circumstances, the Roman civil procedure that commits it, the institution of representation was not used in the early times. However, representation is allowed in special cases, i.e. “for freedom, for the people, guardianship and patronage”. The action of the representative should be supported by the authorized person. The judges made their decisions based on the representative. The representative explained to the authorized person and carried out such issues as payment of the amounts to be paid, return of the items. Later, the representative was allowed to take part in the cases of relationships between minors, actions related to women, instead of people who went on a trip to perform state work, and on the basis of not being able to protect their rights due to illness or not being able to participate in court[2,263].

According to V.R. Topildiyeu, a civil scientist and the author of a number of textbooks on Roman law, in the Roman civil process, the institution of the Procuratorate - that is, representation on behalf of the defendant - was carried out on an official and sometimes unofficial basis. In addition to them, lawyers who provided verbal legal assistance (advocacy) to the parties or participants of the proceedings without being represented also participated[2,263].

The word prosecutor (derived from the Latin word *procurare* - to manage, care, represent) means the main court representative of the prosecution, the accuser of the parties.

Based on the above, it is worth noting that the concept of the prosecutor's office first appeared in the ancient Roman state.

At the same time, in order to ensure the rule of law in the society, he was a “praetor” in ancient Rome, as well as carrying out criminal prosecutions, he implemented the peace and tranquility of the society. Also in Greece and Babylon, officials appointed by a special state conducted these works.

In other ancient civilizations, such as ancient Egypt or Mesopotamia, legal systems were based on religious and customary laws. In these societies, law enforcement and the prosecution of crimes were often the responsibility of religious authorities or local officials. There was no separate prosecutor's office during this period[5,87]. Because the legal system in countries like ancient Egypt and Mesopotamia was mainly controlled by religious laws or officials and they did not introduce positions by a separate state.

The formation of a separate institution as a prosecutor's office was mainly established in France in the 14th century. According to him, it is noteworthy that the “Royal Prosecutor” was established in the country mainly to protect the interests of the king. Prosecutors performed tasks such as preparing written documents for the king, participating in the courts and giving speeches on behalf of the king[6,31].

It can be seen that such structures were later established in Austria, Germany and other countries as a mainstay of state management. In many countries of the world, today's prosecutorial system is also called by many names and performs different tasks according to the laws of the country.

It is known that the history of Central Asia is studied as an integral part of world history. Based on this, the activities of the prosecutor's office have a unique formation and development history in this region. Central Asia is a region where state relations have been formed since ancient times, and even in ancient states, there were structures that had the right to control the rules of order in society, and in this regard, it can be seen that specific historical stages were formed.

In particular, one of the oldest written sources related to the history of Central Asia, «Avesta»,

contains a set of established rules in the society, and the issue of obedience to it and strict measures against those who violate the order are discussed in detail. Avesta contains norms of criminal, family, marriage, civil, military, judicial rights. There was a rule about valuing only water, about efficient use of water, about the possibility of irrigating crops twice a day, about the fact that everyone has the right to receive water «one spade wide» and deep enough to fit into a ditch, and its control was carried out by priests. Violators were punished with forced labor. In addition, those who buried a dead person or dog in the ground, and those who burned the corpse were punished according to the established procedure.

It is also noted that the observance of the rules of order in the society and the imposition of punishments were under the control of the court (a respected cleric of the Council of Elders was a priest and served as the Supreme Judge)[7,20].

In the course of the formation and development of state relations, existing states established the procedure for establishing and following rules in society, as well as monitoring the execution of all tasks of the rulers. Of course, it can be seen that these tasks were carried out by the officials of the authorized state. In particular, during the period of the Turkish Khaganate, the Khakan was considered to be a lawmaker as well as to ensure its execution. In the state, all the officials and the people obeyed the king and obeyed his laws unconditionally. Separate posts were also introduced in the affairs of running palace affairs and punishing those who break the law, receiving complaints and petitions from the people.

It is known that after the introduction of Islam to the territories of Central Asia, a legal system was established in the society according to the Islamic religion. Along with the development of society, it can be seen that the system of protection of human rights has also been formed.

According to it, specific procedures were introduced in the state administration and special positions were also introduced in order to regulate and control all the implementation of Sharia procedures. In the state, the positions of «Qazi»(judge) appointed by a separate ruler in connection with the implementation of Sharia procedures have been introduced[8,45].

The persons appointed to the position of judge were considered to have the powers to resolve disputes between people, and to determine the punishment appropriate to the crime, along with the implementation of the rules established in the society in general.

One such position is «Muhtasib» (Rayis, chairman - it should be noted that the lexeme of the chairman was used synonymously with the word muhtasib used in the ancient East. The position of muhtasib existed in every city. The lexeme of muhtasib was borrowed from the Arabic language and was first introduced in «Qutadgu bilig» «supervisor» was recorded in the meaning, according to their duties[9. P.36.], they monitored the implementation of Sharia laws by the population in the state, checked the list of those who came to pray in the mosque, and checked the correctness of scales and stones in the bazaars[10,76]. In addition, the fight against drunkenness and drunkenness was considered one of their main tasks.

It is noted that the position of muhtasib was introduced under state supervision in the 7th century by Caliph Umar (r.a.) to consider complaints and resolve disputes[11,68]. It is also noted in the sources that the meaning of this position in the dictionary is «Muhtasib» which is derived from the root of the verb «hasaba» in the Arabic language, and its noun form «hisba» means the position that controls the calculation, reward, compensation, reward, measurement and weight measurements[12,168]. The appointment to the post of a specialist was made by the head of state or authorities.

Nizamulmulk, the great scholar and statesman of the East, also gives information about the tasks of Muhtasib in his work «Siyasatnama» (Siyar ul-muluk). In the work, «In every city, it is necessary to appoint among the most learned and wise people who regulate the scales and prices, who know the business of buying and selling. And it is necessary to have control over them in order to sell and not to deceive buyers in every commodity market that is imported and sold. They should hold the stones of the scales correctly and do what is good and what is bad. The king and his servants should support the muhtasib[13,47].

This position is considered important in Islamic law, and it can be seen that it was practiced in Central Asian statehood until the time of the invasion of the Russian Empire.

Conclusion

It should be noted that although the position using the term prosecutor's office was not introduced in the Central Asian states, special positions were introduced in the state administration that control the existing procedures and laws.

The formation of the prosecution system as a separate institution and the exact use of this term is related to the occupation of Central Asian territories by the Russian Empire. It is known that the prosecution system was founded in Russia in 1722 by Peter the Great, and was later introduced after the conquest of Turkestan lands by the empire.

This, in turn, indicates that it is important to organize the activities of prosecutor's offices in Uzbekistan and to analyze the historical stages of their activities.

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