



SPECIFIC ASPECTS OF THE RIGHT TO APPEAL IN THE HISTORICAL EXPERIENCE OF THE DEVELOPMENT OF UZBEK STATEHOOD

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ABSTRACT

This article delves into the historical importance of the right to appeal in the Timurid Empire, established under Amir Temur. It emphasizes the creation of a strong system for addressing appeals, ensuring fairness and justice in governance. Through an examination of historical documents and edicts, it becomes evident that the Timurids placed great emphasis on the careful consideration and resolution of appeals, punishing those who obstructed this right. The article highlights how the Timurid approach to appeals contributed to the stability and longevity of their empire, serving as a blueprint for effective state administration. The right to appeal played a pivotal role in safeguarding citizens' rights, strengthening the bond between individuals and the state, and enhancing societal and governmental operations.

KEYWORDS: *appeal, right to appeal, complaint, law, application.*

INTRODUCTION

The historical trajectory of Uzbek statehood is a captivating journey that encapsulates the metamorphosis of governance structures, the maturation of jurisprudence, and the intricate tapestry of societal organization. Spanning several millennia, this trajectory is not just a chronicle of rulers and dynasties but a more profound narrative of the symbiotic relationship between a people and their evolving systems of governance.

In the vast and culturally rich landscape of Uzbekistan, this right has been neither static nor monolithic. Like a river that changes its course shaped by the terrains it traverses, the right to appeal in Uzbekistan has been molded and influenced by a myriad of factors. Socio-political dynamics, the ebb and flow of power structures, the profound wisdom of religious tenets, and the interplay of regional geopolitics – all these have left their indelible imprint on how the right to appeal has been perceived, practiced, and institutionalized.

As we embark on this exploration, we aim to delve into the nuanced aspects of the right to appeal, tracing its journey from the earliest days of Uzbek statehood to its current incarnation. This exploration not only offers insights into the legalistic dimensions but also provides a window into the soul of a nation that has, over the ages, striven to balance tradition with modernity, and justice with mercy.

LITERATURE REVIEW

Generally, in any country, citizens act as a force to protect their rights and legal interests, prevent and eliminate illegal actions and

abuse of office by representatives of state authorities and administrative bodies, as well as who emerge as an active initiative force. And such an exercise of power is carried out through the right to appeal.

A nation that has chosen the path of democratic development ensures the legal foundation for protecting this right, develops effective and efficient mechanisms and ensures practical implementation in this regard. Because this right *firstly*, restores violated rights and freedoms and protects legal interests, *secondly*, it increases the responsibility of competent state bodies in the timely elimination of shortcomings and defects in governing activities and lives of the citizens, *thirdly*, it strengthens the relationship between the individual, society and the state, *fourthly*, it serves as a tool for the realization of personal, socio-economic and other political rights of citizens, *fifthly*, it helps to improve societal and state activities.

This institute, however, predates modern times. The right to appeal has been a pressing issue since the early days of human society. Based on the historical experience of the development of Uzbek statehood, we can see that, the relations regarding the consideration and resolution of appeals in the Timurids empire, which occupied an important place in the civilization of the world development with its systematic and strong statehood, was recognized as one of the priority areas of the state.

In fact, the state founded by Amir Temur and the Timurids has a unique feature that can be a model for the development of not only Uzbek, but also global statehood. This feature is the perfect mechanism of state management, ensuring the rule of law,



strengthening of legitimacy, and practical experiences in various fields. In particular, Ioann, the Sultanate's archbishop and ambassador, praises Amir Temur by stating that "you will not find the order and discipline practiced in Temur's army in any other country in the world." [1].

Even Karl Marx, who is credited with being one of the forerunners of the 19th-century revolutionary movements in Europe, examined the development of Amir Temur's state from a theoretical and scientific perspective. He was astounded by Temur's actions and efforts to run the country, and he observed that "Temur established the systems and laws of building a state." [2].

The world historian Ibn Arabshah said that he had never seen anybody looting and that the first person to touch something was the owner. The most high ranking akabir (official) was on par with the lowest-ranking soldier in terms of rights. Before he authorized "sudden attack", he would, however, retaliate by using his life and possessions against anyone who injured another person without cause, made a simple insult, or engaged in pointless violence. No amount of his blood could possibly atone for his transgression, and neither the guilty man's friend nor his servant would dare approach him. Everyone was on equal footing before him; therefore, this rule could never be broken [3].

ANALYSIS AND RESULTS

From historical records, it is known that a number of factors inspired or contributed to the ideal and long-lasting rule of Amir Temur and the Timurids. One of them is that the legislative framework and necessary conditions have been established for the full execution of the right to appeal in the nation, and it is practically guaranteed that anyone in a position to impede this right will be punished. In particular, the right to appeal to government agencies was guaranteed by a special decree in the reign of Timur. According to it, if the reasons mentioned in the complaints from the localities are confirmed, strict measures were taken against a representative of the local authority or a responsible person.

In this regard, Timur says in his "Temur tuzuklari" (treatise): "I was aware of how each nation's citizens were doing. I assigned religious and accurate writers to record the circumstances in each nation, the attitudes of military men, behaviors, and interrelationships. When they informed me that their writing was crooked, I disciplined them. When I learned that a governor or military men had mistreated the populace, I acted swiftly to establish justice and fairness." [4].

The fact that Amir Temur expanded his value by putting his decrees into practice is one of the key aspects of his rule, which serves as an example for other international leaders. Extract from "Temur tuzuklari" (treatise): "I ordered that a news writer be appointed for each border, region, army and country. He will

write (report) truthfully and send us about the entry and exit of soldiers, people, governors, foreign troops, the riches; the entry and exit of foreign people and caravans; the condition of the country of the neighboring kings, their work and deeds; the deeds and words of scholars and virtuous people who came to my country from faraway; if they write wrongly, their fingers will be cut off." It can be understood from the phrase, "And whoever writes news secretly hides the work of the army, his hand will be cut off, and if he writes slander with a lie or malice, he will be killed" [5].

The militarized feudal structure upon which the realm of Amir Temur was built put the populace at considerable risk of harm from the army, particularly the military men. Therefore, in the first place, a strong discipline was formed among the soldiers, and proper instructions were given on topics like maintaining good relations with the local populace and the population of the conquered areas, as well as refraining from abusing their authority.

Amir Temur cites this situation as follows: "If I received a complaint about my soldiers and officers not paying for the goods they bought from the shops, or if they paid less than the specified price, or displeased the seller, I duly ordered the death penalty for them (soldiers and officers). In this regard, with the establishment of order, the countries lived happily, the people lived in peace and tranquility" [6].

During this era, analyzing appeals carefully, using an unbiased approach, and coming to a just conclusion were thought to be among the state's top priorities. This is clearly seen in Amir Temur's work.

In particular, according to the written sources of historians, some officials complained to Amir Temur about the poet Hafiz Shirozi that his poems contain critical meanings about Temur's policy and asked to take measures against him. It was noted that Amir Temur was well acquainted with Hafiz Shirozi's work. In particular, his ghazal, which begins with the verses "*Agar on turki Shirozi ba dast orad moro, ba kholi hinduyash bakhsham Samarkandu Bukhororo*" (If she calms my heart, I will spare the soul of Shiraz, Samarkand and Bukhara for her) was popular among many people and was often used in different scholarly meetings.

Therefore, in 1387, Temur, who occupied the Persian regions and the capital city of Shiraz, gave the order to summon Hafiz Shiraz, one of the city's well-known figures, for a talk. At this time, the poet was very old and had financial difficulties. The poet dressed in poor clothes was brought to Timur. Then Amir Temur asked him: "If I spend all the wealth of the world and improve Samarkand and Bukhara, do you want to give them away in exchange to a beauty spot on a woman's face?" The smart poet was also prompt with the answer: "It is because of my generosity



that I am in the present situation". Delighted by such a witty response, Timur escorted the poet with great gifts [7]. Evidently, Timur was a generous person, he was impartial to any appeal, and he had a special respect for scholars.

Due to the fair treatment of appeals in the Kingdom, each complainant thought and felt responsible for the defamation and then decided to appeal. Complaints against representatives of the central and local authorities were specially monitored and investigated. We can directly see these cases in the first sources related to the activities of the Timurids.

In particular, Amir Timur says: "...The first thing I decided to do about establishing the truth was this: A number of slanders have been made by envious and malicious people against one of the ministers (Wazirs) I appointed in Iraq, named Aziz. They brought a document and complained that Aziz Wazir was oppressive and was taking gold from subjects and merchants by force. I decided to talk to him, and the thought came to my mind that I should also call the informants. When they were present, I sentenced Aziz to punishment, but after thinking about it, I questioned the petitioners again. Then their tongues stopped rolling. The next day I confronted both parties. With that, Aziz Wazir won on the matter of truth and the truth came out. After that, I thanked God that I did not do wrong by punishing the instigators."

"...Another case was settled in Baghdad. Three elderly men properly dressed came to me. One of them complained that his goods were with one merchant, and the two old men came to testify. He said that the cited merchant would not want to give back his goods. The judge summoned him and sentenced him to return the goods after the two old men testified. When I was signing the judgment, the truth was revealed and it became known that those three elders had built a conspiracy and one came as the plaintiff and two as witnesses. After finding the truth, I punished these three elders and ordered the Islamic judges not to accept the testimony of the Iraqi Arabs anymore" [5].

Another instance is described by historian Nizamiddin Shami as follows: "Khoja Sharifiddin Ali Simnani, an employee of the Ministry, was given favor and restored to his work after spending a considerable amount of time in prison as a result of the defamation of some spiteful people. He was the sole governor of Khorasan, Iraqi Ajam, Qoms, and Mozandaran, therefore despite the inspectors' best efforts, they were unable to demonstrate even a single dinar deficit. Khoja Fakhriddin Ahmad and Khoja Sharafuddin Ali were appointed to the Samarkand Diwan (government) [8].

The state viewed handling appeals to be the primary responsibility of all officials, from the lowest ranking official to the supreme leader. This included accepting and resolving the appeals of any citizens who came with a petition.

The chroniclers' accounts confirm this: "In the splendid and calm halls of the palace, Timur occasionally paused and welcomed some dignified but uninteresting persons or residents who were unworthy to access the gardens and the magnificent royal buildings [9]. In Shahrisabz, the region where Amir Temur was born, Aksaroy was regarded as his home. Therefore, when he arrived in Kesh, he welcomed visitors, had numerous councils, and then took a break [10].

Amir established a vow with God during the years of exile and famine, according to the historian Mu'iniddin Natanzi. He made it his mission to interact with God's people according to these protocols [11].

The Timurid kingdom's longevity can be attributed to the fact that Amir Temur's successors upheld the rules he set, especially their approach to appeals. This is seen in the works of Samarkand's long-reigning ruler Mirzo Ulugbek.

The sources claim that Ulugbek provided merchants loans in exchange for a portion of their profits. Ulugbek gave one of the merchants a valuable stone instead of money. The merchant died suddenly from illness after being unable to pay his obligation. It was discovered that the dealer had either loaned or sold the expensive stone. When Ulugbek heard this, he gave the order to bring the deceased's entire possessions to his treasury. The merchant's heirs complained about the monarch to judge Kalon Shamsiddin Muhammad Miskin, who was renowned for his sincerity and honesty.

Ulugbek did not travel himself, but he sent two courtiers who were aware of the case as witnesses. The judge did not think twice about handing down an insensitive verdict. When he was told that Ulugbek was angry, Miskin the judge told the courtiers:

Go to your ruler and tell him that he had made a mistake by sending witnesses, and expecting that this case, which is known to everyone, would be decided in his favor. The judge obeys only the truth. If the ruler wants me to decide the case in his favor, he can tie my hands and feet and put cold water on me until I lose consciousness. Perhaps then I can confiscate all the property of the deceased merchant for a stone that is not worth one hundredth of his property [12].

According to another source, Amir Said Ali's soldiers ransacked the surroundings of Koshghar city. The same situation was repeated the following year. This time Amir Shoyastam (instead of fighting the robbers) was lying like a cat behind the strong wall of the fort, and invaders took advantage of this and looted many villages of the region. The indolence/injustice of the officials, who ate the people's bread and rode their horses, gradually made the people very furious. The people of Koshghar city wanted to get rid of him at any costs. With this purpose, they sent people to Samarkand and made a complaint to Ulugbek over Shoyastam. Ulugbek dismissed Amir Shoyastam from his position and appointed Amir Pirmuhammad in his place [13].



According to American orientalist Harold Lamb, the Timurid Empire upheld the rule of law as follows: "According to the legacy left by the ancestors, the ruler was required to act in accordance with the *yasaq* (law) he inherited from his ancestor Genghis Khan, but in the politics of Babur Mirza, Sharia laws, which incorporate Islamic laws, were in effect. Timur the Great was able to reconcile both rules in accordance with the circumstances, and Samarkand, the epicenter of Central Asian civilization, was born as a result" [14].

So, Amir Temur and the Timurid Empire used the institute of appeal to determine the following issues: *firstly*, providing the citizens with the opportunity to apply directly to the higher authorities in order to protect their rights and freedoms; *secondly*, creating conditions for the population to participate in public administration to a certain extent; *thirdly*, to determine the local situation (that is, the way of life of citizens, the relationship of responsible persons with the ordinary population), ensuring the practical implementation of the laws in the country.

A nation that has chosen the path of democratic development ensures the legal foundation for protecting this right, develops effective and efficient mechanisms, and ensures the practical implementation in this regard. Because this right *firstly*, restores violated rights and freedoms and protects legal interests, *secondly*, it increases the responsibility of competent state bodies in timely elimination of shortcomings and defects in governing activities and lives of the citizens, *thirdly*, it strengthens the relationship between the individual, society and the state, *fourthly*, it serves as a tool for the realization of personal, socio-economic and other political rights of citizens, *fifthly*, it helps to improve societal and state activities.

CONCLUSION

The right to appeal in the history of Uzbek statehood is not just a legal provision but a reflection of the societal values, external influences, and internal aspirations of the country. From tribal gatherings to modern courts, the journey of this right is a microcosm of Uzbekistan's broader historical experience. Today, as Uzbekistan continues to modernize its institutions and strengthen its rule of law, the right to appeal remains a vital beacon, symbolizing justice, fairness, and the unwavering commitment to the principles of democracy.

It is clear from the foregoing that upholding the law, particularly one's attitude toward appeals, was crucial to the long-lasting, powerful, and orderly empire of Amir Temur and the Timurids.

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