



## STAGES OF DEVELOPMENT OF THE INVESTIGATIVE SYSTEM OF INTERNAL AFFAIRS

Abdreimov Azamat Azatovich

Lecturer at the Department of Criminal-Procedure Law of the Academy  
of the Ministry of Internal Affairs

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**Annotation.** This article discusses the creation of the investigation system of the internal affairs, how the investigation system was formed historically, who was entrusted with investigative activities in different periods, what was the legal basis of the investigative sphere during these periods, and what was the legal status of people who involved in investigative work, a number of suggestions and recommendations have been developed about the separation of the operational directions in the historical investigation and how to eliminate the obstacles and shortcomings related to this issue.

**Key words:** investigation, history, judge, sharia, staff, collaborator, directions of investigative system, investigator.

In recent years, our country has developed several promising plans in the field of internal affairs bodies, paying great attention to issues such as establishing close dialogue with the population and the public, implementing public control over the activities of internal affairs bodies, as well as widely introducing modern information and communication technologies, and ensuring the peace of our people. Employees in the investigative activities of the internal affairs bodies are also carrying out such responsible and honorable tasks.

We all know that the role of the investigative sphere in ensuring human rights and combating crime is invaluable.

At the initiative of the President of the Republic of Uzbekistan, Sh.M. Mirziyoyev, during the consistent implementation of reforms in our country, the Development Strategy of Uzbekistan for 2022-2026 was approved, and several tasks were identified aimed at creating the necessary political, legal, socio-economic, and scientific-educational foundations for the reforms to be implemented in the next five years.

Goal 17 of the Development Strategy provides for: strengthening control over operational-search and investigative activities, introducing effective mechanisms for the protection of citizens' dignity and freedom.[1]

The necessity of realizing this goal of the Development Strategy lies in the fact that the investigative sphere is such a stage of the judicial and legal system where the factor of direct influence on the rights and freedoms of citizens in the investigative process is very high, which imposes the need to increase the responsibility of employees carrying out investigative activities in fulfilling their duties and to feel accountable.

These processes do not happen by themselves; for this, it is necessary to strengthen the responsibility of the subjects controlling the representatives of the field.

When talking about the people of this honorable profession, it is necessary to look at the history of the emergence of the investigative sphere.

The Uzbek people, like other peoples of the world, are an ancient people with a centuries-old history. The formation and development of the security and law enforcement

system in the history of the formation and development of Uzbek statehood has a long history. This is not a short time, of course. This is the socio-historical reality of the Uzbek people and law enforcement officers serving them. This consists of the lives of several generations, hundreds of thousands of people who have dedicated their lives to fighting crime and maintaining public order.

The formation and development of the investigative sphere can be analyzed by dividing it into the following historical periods and describing its specific features. Including:

The early period; existing historical studies do not mention a structure directly analogous to the internal affairs bodies in the early stages of statehood in Central Asia, and no specific information is provided about this.[2]

According to the analysis, before the arrival of the Arabs, the peoples of Uzbekistan adhered to the sacred book of Zoroastrianism - the Avesta, and were influenced by the political and legal ideas of Hammurabi and Aristotle, Hellenistic poleis, the legal norms of the Greco-Bactrian and Parthian kings, the Kushan Empire, and the Turkic Khaganate. Therefore, the first teachings on ensuring law and order in Central Asia are found in the main source of Zoroastrianism - the "Avesta."

Based on the texts of the Vendidad section of the Avesta, scholars have divided crimes (offenses) into the following types: against religion, against persons, against animals, against property, against morality, and against natural forces.

Also, in the Avesta, the punishments for those who committed these types of socially dangerous acts were death, imprisonment, corporal punishment, atonement for sins, and blood money.

According to the Avesta, the appointment of punishment for those who committed an act and the state of the person after the imposition of punishment were decided based on fair laws in consultation with the Supreme Court - representatives of the Zoroastrian Council of Elders and influential members of the community. As a result of studying the Avesta, it can be concluded that severe punishment was imposed for intentional crimes, crimes against religion, and repeated crimes.

During the period of the emergence of Islamic statehood; It is known from history that the emergence of the Islamic state is inextricably linked to the socio-economic, political, and spiritual changes that occurred in the Arabian Peninsula at the end of the 6th century and the first half of the 7th century. During these periods, investigative work as we know it today was carried out by judges, who conducted "investigative-judicial" work based on the rules of Sharia law. It is advisable to investigate some aspects of the ideas reflecting the doctrine of the judiciary, which played an important role in the formation and development of statehood in Islamic law and the improvement of the state mechanism.

During this period, it was Islam that led to the release of humanity from the whirlpool of ignorance and, most importantly, the emergence of the first unique state in Arabia. The primary goal of Islam, the responsibility for propagating its religious ideas among tribes, fell on the Prophet Muhammad (peace be upon him). This great man achieved the enrichment of the spirituality of the population with Islamic ideas by gradually introducing religious, legal and moral ideas from the Holy Qur'an, which is considered a programmatic divine source of the holy religion of Islam, into public life for twenty-three years.

In his report to the UN, President Shavkat Mirziyoyev noted that "in the past and present, Islamic teachings call the people to goodness and peace in society, to preserve the true human qualities." [3]

At this point, it is necessary to think about the question: "When was the position of a judge established in Islamic law?." It should be noted that during the period of the establishment of the Islamic state under the leadership of Muhammad (610-632), the position of a judge was not established. The Prophet himself carried out his judicial activities. Also, during the time of the first caliph Abu Bakr, a separate judge was not appointed in this state. The Caliph himself served as a judge at the same time. However, the second caliph, Hazrat Umar ibn al-Khattab, separated the judiciary as a separate branch of the caliphal authority and appointed an independent judge for the city of Kufa for the first time. Later caliphs similarly sought to develop the judiciary as an independent structure. The word "qazi" is derived from the Arabic language, and its lexical meaning is "to order," "to judge." The meaning of this word is also embodied in the content of several verses in the Holy Qur'an. For example, in Surah "Nisa" (verse 58)... "commands to judge with justice" [4], which means God's command to resolve a dispute and make a decision.

The need to establish the position of a judge in Muslim law is first reflected in the Quran, and then in the Sunnahs of our Prophet Muhammad, as well as in the teachings of sects. Prophet Muhammad emphasized a responsible attitude towards the position of judge. In his hadiths, he commented on the personality of judges: "There are two types of judges who are condemned to hell. And others are paradise. He who knows the truth and judges justly is a paradise. Judges who know the truth, but make unjust judgments, or who make judgments in their own way, even if they have no knowledge at all, are hellish." [5]

In Sharia law, special attention is paid to the issue of appointing a judge, "Anyone who occupies the position of a judge through various means is left to their own devices." If he is forced to become a judge, even if he does not want to, Allah will make a helper angel who corrects his words." In our opinion, there is no need to analyze this hadith in depth.

It is not necessary to "take the position of a judge by running," but the responsible leader should look for a suitable candidate for this position among lawyers, carefully study his qualifications, pay attention to his knowledge and experience, and recommend the best among the wise ones who can feel responsible for working in this position. At this point, we consider it appropriate to recall the hadiths of the Prophet Muhammad (peace be upon him) that if one ruler appoints another to do something while the one who is more acceptable to Allah is among the majority, then he has betrayed God, His Messenger and the believers.

By saying, "Whoever is appointed to the position of a judge among people, then he will be slaughtered without a knife," they emphasized how responsible, vigilant, and extremely difficult the position of a judge is.

If we take a closer look at historical sources and current events related to Muslim law, we can see that only talented and experienced specialists were recommended for the position of judges.

the Middle Ages and later periods (VIII - early 20th centuries) - by this time, Islam had entered our country, statehood was based on Sharia rules, in particular, it is known from history that during the Samanid, Ghaznavid, and Karakhanid khanates, the army consisted of soldiers and gulamans, and during these periods, investigative and judicial work in modern times was mainly carried out by military personnel and judges.

If we look at the statehood of Amir Timur during these periods, the owner of this great kingdom divided each sphere of state administration into separate ministries, among them the eighth ministry is the Ministry of Justice (devoni mazolim). It should be noted that at that time, the justice system was divided into three parts. The Ministry of Justice was directly involved in the affairs of citizens, in the language of the source, secular affairs. The military court (military judge) operated separately. The Islamic Qadi was engaged in Sharia law. As we can see, the old traditions were continued in this area during the reign of Amir Timur. And the distribution in the judicial system can be observed in the example of this period, which took place in us several centuries ago. Responsibility for the law and the procedures of that time was equal for everyone. For example, historical sources attest to the fact that Amir Timur's grandson, Pir Muhammad ibn Umar Shaikh, was severely questioned in his divan masalim for his actions, and after his guilt was revealed, he was punished accordingly, and that Amir Timur himself ordered this.[9]

It is known from history that Sahibkiran Amir Timur gained the love of the people because he gave a wide place to the policy of justice in the state he created. In our opinion, in Muslim law, justice is one of the main principles in the implementation of the judiciary process and is considered the main criterion for issuing judgments and decisions.

This idea, which plays an important role in the development of our society, undoubtedly serves as one of the important pillars in the formation and development of the new statehood after our independence.

The period of the former Soviet Union (1917-1991); It is known from history that during the colonial period of Tsarist Russia, the military-political order in Turkestan carried out large-scale work to maintain security and internal order.

As a result of the breakup of the police system of Tsarist Russia, the internal affairs bodies of the Turkestan, Khorezm, and Bukhara republics appeared on the big stage to maintain security and internal order, and they carried out internal affairs activities.[10]

Prior to the period of national statehood in Central Asia, the preliminary investigation of criminal cases under the jurisdiction of the people's courts in the Bukhara People's Republic was conducted by the judges themselves and the district people's investigators.

Senior investigators registered in the criminal divisions of the district court investigated criminal cases related to the district court, investigators conducted investigations on important cases under the prosecutor's office of the Justice Department, and investigators conducted investigations on criminal cases related to the jurisdiction of the Supreme Court of the Republic of Bukhara. Cases of crimes against the Revolution were investigated by the investigators of the Supreme Revolutionary Tribunal, and criminal cases such as war crimes, the purchase and sale of weapons, and theft of military property were investigated by the investigators of the Military Tribunal under the Military Control of the Republic.

In the Bukharan People's Republic, there were also courts of judges, and people's judges were entrusted with the task of preliminary investigation of cases that judicial investigators did not conduct according to the law.

In the Khorezm People's Republic, judges were involved in cases of a general criminal nature. The High Revolutionary Tribunal investigated anti-revolutionary protests, counterfeit money making, and official crimes. The military tribunal investigators were charged with desertion and other crimes of military personnel. The SNK under the Khorezm Central

Executive Committee of the Republic was engaged in criminal cases related to crimes posing a particular threat to the republic, namely banditry.

All bodies investigated criminal cases related to crimes committed within a specific territory within their competence. This determined the belonging to the territorial investigation.

Cases involving crimes committed by military personnel were subject to special investigation. Such crimes were investigated by military investigators of military tribunals.

According to the Judicial Statute of the Turkestan ASSR of 1923, there was an investigative apparatus, administratively subordinate to the judicial system, operatively managed and supervised by the prosecutor's office, and an investigative apparatus of the state political administration, supervised by the prosecutor's office. Investigators monitored the police bodies involved in the implementation of operational-search activities. This, of course, sought to combine operational-search and investigative activities.[11]

After the October events of 1917, the investigative apparatus was established in the territory of present-day Uzbekistan in the form of numerous investigative commissions that functioned as collegiums.

Investigative commissions worked under the Soviets and various revolutionary tribunals. During this period, the issues of conducting investigations were largely related to the organization of court activities. However, there is also a trend towards expanding the scope of investigative commissions.

For example, according to Decree No. 1 on the Court, they only investigated cases that were considered by revolutionary tribunals, according to Decree No. 2 on the Court, criminal cases were considered by higher courts, and according to Decree No. 3 on the Court, criminal cases were also considered by the People's Court, but with certain complex aspects.

Military investigators of revolutionary tribunals investigated special criminal cases, i.e., criminal cases of crimes committed by commanders and ordinary soldiers, as well as employees in the army.

The right to conduct a preliminary investigation was also granted to the judge investigating crimes committed within the scope of the court's jurisdiction. In September 1918, the Turkestan Central Executive Committee established an Extraordinary Investigative Commission (IRC) under the Central Executive Committee of the region to investigate counter-revolutionary and counterfeiting crimes. The scope of work related to the activities of the SNK expanded or narrowed depending on the country's domestic and international position. In addition to counter-revolutionary criminal cases, SNK cases included cases of common crimes such as banditry and counterfeiting of banknotes. In 1919, investigative bodies were fully centralized in the former Turkestan ASSR.[12]

The principle of investigation's monopoly, according to S.A. Belousov, has been and remains the best way to conduct a preliminary investigation.[13]

Following the reorganization of the Turkish SNK in 1922 and the establishment of the GPU of the Turkestan Republic, cases of crimes that encroached on the foundations of the new regime were included in the scope of work of state security bodies.

At the same time, the subordination of state security bodies in the area of subordination to the investigation was not only manifested, but also a certain principle began to manifest itself - the preliminary investigation bodies began to have areas of subordination to the investigation depending on the agency they were part of.[14]

The internal affairs bodies of Uzbekistan strengthened and acquired experience in what difficult conditions, in constant struggle and battles. Over the years, much has changed: the range of tasks of the police has expanded, the content, forms and methods of work have been improved, the material and technical base has been gradually strengthened, and the number of law enforcement officers has increased.[15]

According to the Criminal Procedure Code of Uzbekistan of 1926, the powers of investigators are determined by the scope of criminal cases to which they are subordinate. These powers were divided according to the nature of the crime committed, its impact on society, as higher courts were responsible for criminal cases involving the most complex crimes.

According to the territorial investigation rule, the investigator of the district in which the criminal case was committed is investigated, that is, the general condition of the preliminary investigation is the principle of the district, which is the leading sign of territorial investigation.

According to the 1926 Regulations on Military Tribunals and the Military Prosecutor's Office, all cases of crimes committed by military personnel were investigated by military investigators. Their belonging to a special investigation is determined by the scope of cases within the competence of military tribunals.

Since the establishment of the State Prosecutor's Office of the Republic of Uzbekistan in 1928, the investigative apparatus, both operatively and organizationally, has been transferred to the prosecutor's office, and the prosecutor remains the head of the investigation.

The second Criminal Procedure Code of the Republic, adopted in 1929, distinguishes only the extent to which investigative bodies are subject to investigation. Cases where crimes are investigated by the NKVD bodies are established by special laws.

In the 1930s, significant work was carried out in Uzbekistan aimed at organizing the strengthening of investigative bodies, improving the material service and independence of the investigative apparatus in districts and cities. In 1935, the investigative apparatus was transferred to the republican budget.

Investigators were given the right to submit any criminal case subject to preliminary investigation to the investigative bodies. In practice, this led to the demarcation of the boundary between the preliminary investigation and the inquiry. The Circuits of the Prosecutor of the USSR and the People's Commissar of Justice of January 8, 1938, separated the tasks of investigation between the police, investigators, and departmental inspections. For example, investigative work on crimes against the state, crimes against extremely dangerous management, robbery and other complex crimes must be carried out by investigators, and other cases - by the police. The departmental inspections carried out investigations within their powers and, upon completion of the investigation, sent the documents to the prosecutor.

Cases of crimes committed by minors were subject to special investigation, and their investigation was entrusted to the most qualified investigators. The police and investigative bodies were not allowed to investigate such crimes.

In 1940, by a departmental document of the NKVD, investigative apparatuses were established in the police bodies, which operated from 1958 to 1960, until the second codification of legislation.

According to the criminal procedural legislation adopted in the late 1950s and early 1960s, investigators from the prosecutor's office, state security bodies, and internal affairs

bodies were included in the preliminary investigation bodies. A number of other state bodies were also granted the right to investigate. Two types of investigation were envisaged - preliminary investigation and inquiry. The current Criminal Procedure Code also provides for a similar investigation structure.[16]

In accordance with the Resolution of the Council of Ministers of March 27, 1953, "On Measures to Strengthen the Preservation of Public Order and the Fight Against Crimes," on July 20, 1953, the Council of Ministers of the Uzbek SSR and the Central Committee of the Communist Party of Uzbekistan adopted a resolution "On Strengthening the Fight Against Crime and the Preservation of Public Order in the Uzbek SSR." According to this decision, employees of operational-search units are exempted from investigating criminal cases.

In accordance with the Decree of the Presidium of the Supreme Soviet of the USSR dated April 6, 1963, "On Granting the Right to Preliminary Investigation to Public Order Bodies," investigative bodies were established in the system of public order protection in the former Soviet Union, including our republic, as well as in the current system of internal affairs bodies.

In accordance with the Decree of the Presidium of the Supreme Soviet of the RSFSR dated April 15, 1963, "On Amendments and Additions to the Criminal Procedure Code of the RSFSR," amendments and additions were made to the Criminal Procedure Code of the Uzbek SSR, defining the types of crimes for preliminary investigation by investigators, and from July 1, 1963, investigative bodies in the internal affairs bodies officially began to perform their duties.

In the structure of the Ministry of Public Order of the Uzbek SSR (now the Ministry of Internal Affairs), investigative departments were established in the Ministry of Public Order of the Karakalpak ASSR, regional departments of public order protection, the Department of Internal Affairs of the Tashkent City Executive Committee, and road internal affairs departments. Investigative units (groups) were established in districts (cities) and railway sections.

Based on the amendments and additions to the Criminal Procedure Code, investigators have the right to make all procedural decisions independently, except in cases where the prosecutor's permission is required for criminal cases.

1991 to 2017; During this period, in accordance with the Law of the Republic of Uzbekistan "On Strengthening the Social and Legal Protection of Police Workers" dated October 31, 1990, and the Decree of the Republic of Uzbekistan "On Transferring the Ministry of Internal Affairs of the Uzbek SSR to the Legislative Authority of the Republic" dated August 25, 1991, the Cabinet of Ministers of the Republic of Uzbekistan adopted Resolution No. 270 "On the Ministry of Internal Affairs of the Republic of Uzbekistan" dated October 25, 1991.

Based on this Decree, the Union-Republican Ministry of Internal Affairs of the Uzbek SSR was transformed into the Ministry of Internal Affairs of the Republic of Uzbekistan, and the Investigative Department was established as a structural unit of the central apparatus of the Ministry.

Following the adoption of the Decree of the President of the Republic of Uzbekistan "On Further Improving the Activities of Internal Affairs Bodies of the Republic of Uzbekistan" on March 27, 2001, the Ministry of Internal Affairs system underwent fundamental reforms for the second time since gaining independence. At the same time, a number of reforms were implemented in the investigative units of the internal affairs bodies.



In accordance with this Decree, the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated May 7, 2001, No. 206-35 "On Strengthening the Role of Investigative Units of the Ministry of Internal Affairs in Combating Crime" was adopted, and based on the requirements of the Order of the Ministry of Internal Affairs No. 171 dated July 10, 2001, the Investigative Department was transformed into the Main Investigative Department.

By the Decree of the President of the Republic of Uzbekistan dated January 17, 2006 No. PP-261m "On Improving the Activities of the Main Investigative Department of the Ministry of Internal Affairs of the Republic of Uzbekistan," the position of Deputy Minister of Internal Affairs - Head of the Main Investigative Department was introduced.

In accordance with the Law of the Republic of Uzbekistan No. ZRU-407 "On Internal Affairs Bodies" adopted on September 16, 2016, on April 10, 2017, the Decree of the President of the Republic of Uzbekistan No. UP-5005 "On Measures to Fundamentally Enhance the Effectiveness of the Activities of Internal Affairs Bodies, Strengthen Their Responsibility for Ensuring Public Order, Reliable Protection of the Rights, Freedoms, and Legitimate Interests of Citizens" was adopted.

On April 18, 2017, the President of the Republic of Uzbekistan adopted Resolution No. PP-2898 "On Measures to Fundamentally Improve the Activities of Internal Affairs Bodies in the Investigation of Crimes." According to this decree, the Main Investigative Department of the Ministry of Internal Affairs was transformed into an Investigative Department under the Ministry.

The modern era of the investigative system (2017 and subsequent periods); One of the main innovations in the field of investigation during this period is the adoption of the Law of the Republic of Uzbekistan dated September 6, 2017 No. LRU-442 "On amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with the improvement of the institute of inquiry."

On November 28, 2022, the President of our country Shavkat Mirziyoyev signed a decree "On the introduction of a qualitatively new system for training qualified personnel in the field of criminal investigation." The document established the Law Enforcement Academy. The Academy is a specialized higher educational and research institution with the status of a legal entity, which is part of the organizational structure of the General Prosecutor's Office. Starting from the 2023/2024 academic year, a full-fledged educational process has been organized in the two-level system of higher education - bachelor's and master's programs in investigative activities and other areas of law enforcement.

The annual admission quotas for the investigative activities of the institution will be up to 250 students in the bachelor's program and up to 50 employees of authorized state bodies with higher legal education in the master's program. Also, the duration of education will be three years according to the bachelor's program and one year according to the master's program in the field of investigative activities. The Specialized Branch of Tashkent State University of Law was abolished, and its staff units, educational and material and technical base were transferred to the Academy. The Academy was prescribed to be headed by a chief appointed and relieved of office by the president.[17]

If we look at the history of the aforementioned judicial system and proceed from its experience, we see that during these periods, the rights and freedoms of individuals were ensured by judges based on Sharia norms. In addition, the selection, appointment of judges

and the work performed by them are aimed at a single goal, that is, ensuring justice without harming the rights, legitimate interests, and freedoms of the individual. In addition, first of all, judges were required to adhere to the rules of etiquette, to stay away from familiarity and other corrupt acts in the process of carrying out their activities.

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