



Analysis Of Spiritual, Moral, And Legal Doctrines Related To Fair Trial Formed In The Ancient Movarounnahr Region

Ismatulla MAMANOV

candidate of Legal Sciences

ABSTRACT

This scientific article analyzes the spiritual, moral, and legal doctrines related to fair justice that developed in the ancient Movarounnahr region and presents conclusions regarding their historical evolution.

Keywords:

fair justice, justice, truth, spiritual and moral doctrine, legal doctrine

The history of spiritual, moral, and legal doctrines related to fair justice that emerged in the ancient Movarounnahr region dates back to antiquity. These doctrines arose as a direct result of people's perceptions and views on truth, justice, and virtue, and they are found in numerous historical and scientific sources. Analyzing these doctrines from a scientific perspective necessitates focusing on the origins and development of fair justice.

It should be noted that in ancient times, the necessity of fair justice was directly linked to people's pursuit of justice and truth. Since the concepts of justice and truth are closely interconnected, they complement each other. At the same time, fair justice plays a crucial role in ensuring justice and truth in social life, where spiritual, moral, and legal doctrines related to fair justice hold significant importance.

Based on this, the study aims to analyze the spiritual, moral, and legal doctrines of fair justice that emerged in the ancient

Movarounnahr region by conditionally dividing them into three historical periods.

The first period spans from the 9th-8th centuries BCE until the arrival of Islam. During this period, spiritual, moral, and legal doctrines related to fair justice were primarily shaped by early legal concepts in human thought, initial religious beliefs, and myths, tales, and legends associated with gods or deities.

In this era, Zoroastrianism emerged along with its sacred text, the *Avesta*, which reflected legal views on court institutions (*ordeal*), crime and punishment, civil law, family and marriage, property, and land and water-related issues. Over time, legal doctrines evolved from being based on early religious-mythological perceptions of the world to more rational, logical, and philosophical forms.¹

"I honor the truth: Truth is the supreme blessing. This blessing belongs to the one who is rewarded, for he shall be virtuous and rewarded

¹Ф.А.Мухиддинова. Ўзбекистон сиёсий ва ҳукукий таълимотлари тарихи (дарслик) – Т.: Ўзбекистон

Республикаси Адлия вазирлиги ТДОИ. 2009. – 2086. 7-бет.

as long as he does not abandon the most noble and righteous deeds in the path of Truth."².

In the *Avesta*, Ordeal (Ordaliya) served as a judicial function. However, this doctrine had distinctive features in the trial process. According to British scholar Mary Boyce and Uzbek scholar Z. Muqimov, *Zoroastrian teachings (as reflected in the Avesta) included 33 different judicial methods for conducting fair trials through ordeal.*

If the case involved an oath (*in the Avesta, swearing an oath held decisive importance in social relations*), the accused would undergo a water ordeal. If the dispute concerned a contract, a fire ordeal was conducted, giving the accused or suspect the opportunity to prove their innocence³.

According to Mary Boyce, one form of ordeal by throwing the accused into a river was based on the Yajna Valkya tradition. The accused was required to dive into the water while holding onto the feet of a person standing beside them. During the dive, they had to recite:

"Varuna, protect me with the truth."

At that moment, an arrow was shot from a bow, and a swift runner chased after it. If the accused resurfaced and retrieved the arrow before drowning, it was believed that the oath god Varuna had pardoned and absolved them of guilt⁴.

Additionally, one of the ordeal (court) trial methods was closely associated with fire. According to this method, "The accused had to run through a narrow path surrounded by blazing fire wheels. If they survived unharmed, the contract god Mitra considered them innocent."⁵.

As conclusions drawn by legal scholars indicate, the *Avesta*, written nearly 2,700 years ago, approached the issues of determining truth and establishing justice with utmost seriousness and responsibility.

At this point, it is crucial to highlight a significant aspect: the trial methods were directly linked to the people's religious beliefs. In the *Avesta*, fire was considered the most sacred element and was viewed as the source of all light, purity, and goodness. Over time, fire came to be regarded as a divine entity (Mitra). The key idea behind the ordeal by fire was that it was believed to have the power to reveal truth. The accused was subjected to passing through flaming wheels as part of the trial. According to their beliefs, sacred fire was all-knowing and omniscient—nothing was hidden from it.

- If the accused was truly guilty, the fire would burn and destroy them, or punish them proportionally to the severity of their sin.
- If the accused was innocent, the sacred fire would not harm them.

This belief reinforced the notion that justice was not merely a human judgment but a divine revelation through fire.

According to this belief, at the conclusion of ordeal trials (Ordaliya), both Mitra and Varuna were thought to render truly wise and just judgments over those they would either execute or pardon.

This conviction led to the widespread faith that Mitra became the god of fire, while Varuna became the god of water. People believed that these deities constantly watched over those who remained faithful to their oaths and those who broke them.

"In ordeals conducted in the name of these deities, high priests, tribal, or community leaders participated, while a wise priest, well-versed in the laws, presided over the trial process."⁶.

²Авесто: Яшт китоби. /М. Исхоков таржимаси. — Т.: "Шарқ" нашриёт-матбаа акциядорлик компанияси. 2001. - 128 б. 8-бет.

³Бойс Мэри., Зороастрыйц!, Верование и обычаи., 2-е издание., М.: Наука, 1988. С. 153.

⁴Х.Бобоев., "Ўзбек давлатчилиги тарихи",, I Китоб.,

Тошкент., Ўзбекистон Республикаси Фанлар академияси

"Фан" нашриёти., 2004., 59-бет.

⁵Х.Бобоев., "Ўзбек давлатчилиги тарихи",, I Китоб.,

Тошкент., Ўзбекистон Республикаси Фанлар академияси

"Фан" нашриёти., 2004., 59-бет.

According to another source, the *Avesta* describes a system in which state governance was carried out based on political and legal principles.

The Council of Elders played a crucial role in governance, and its most esteemed scholar-priest served as the Supreme Judge. This high-ranking priest was known as "Zarashstroema", and his rulings were absolute, meaning that no one had the right to challenge his decisions.

In this system, the Council of Elders was led by the "Varzanapati", under whom religious ideology and political authority were unified⁷.

Conclusion In summary:

1. According to the teachings of the *Avesta*, legal relations, particularly crime and punishment and the pursuit of truth, had a religious-mythological nature and were believed to be dependent on the will of the gods.

2. This doctrine introduced the initial legal concept that truth and justice must be established through judicial institutions and judges, marking the early formation of legal thought.

3. A firm belief emerged that the eternal struggle between good and evil, righteousness and wrongdoing, honesty and theft should be judged through ordeal trials (Ordaliya), conducted in the name of "Gods" or "Deities."

The Second Period: From the Advent of Islam (7th-8th Centuries CE) to the 13th Century

This period spans from the arrival of Islam in the 7th-8th centuries CE to the 13th century. During this time, spiritual, moral, and legal doctrines related to fair justice were shaped by the unchanging verses and spirit of the Holy Quran. In this period, Islamic law (Sharia) played a central role in defining justice. Since Islamic

laws were considered to have a divine essence, they were regarded as immutable and eternal.⁸, degan xulosa mavjud. Shu bilan birga, bu davrdagi huquqiy qarashlarning o'ziga xos xususiyati faqatgina diniy bilimlar bilan emas, balki dunyoviy ilmlar bilan ham sug'orilganligida namoyon bo'ladi. "Islom ilmlari, jumladan, al-fiqh, xalqimizning tarixiy-madaniy va ijtimoiy-axloqiy yuksalish idealining negizidir. Diniylik va dunyoviylik borasidagi qarashlar kishilarni borliq bilan uyg'unlikda, garmoniyada yashashga undaydi"⁹. Zero, "Al-fiqh" kalimasi "anglamoq, aql bilan tushunmoq" kabi ma'nolarni beradi"¹⁰.

The Holy Quran, the sacred book of Islam, is regarded as a symbol of truth and justice. In particular, the following verse emphasizes the importance of fairness in judgment:

"So do not follow your desires, lest you deviate from justice. And if you distort (your testimony) or refuse (to testify), indeed, Allah is fully aware of what you do."

(Surah An-Nisa, 4:135)¹¹.

In Islamic teachings, there is a fundamental belief that: "Since Allah Himself, through Prophet Muhammad, is the Shāri' (the legislator and lawgiver of Sharia), there is no need for any other lawmaker."¹².

According to another source, "The Prophet sollallahu alayhi is a member of the imam of vasallam, the qaziyu ahkom and the muftiyu Alam. He is the imam of the vassal imams, the judge of the qazi, and the scientist of the scholars." Therefore, in that period, our prophet muhammad (s.a.v) can be seen to be given a slope ratio. From the point of view of Islam, the Kazakh Rank is very high, the person who is appointed to the position of a judge is clean and honest, his conscience is clear, his "eye is full", his manners are beautiful, with high potential,

⁷ Бобоев Х., Хасанов С. "Авесто" – маънавиятимиз сарчашмаси". -Т: "Адолат", 2001-160б. 51-бет.

⁸ А.Сайдов., А.Жузжоний. Шарқ ва инсон хуқуқлари: тарихий-хуқуқий лавҳалар. – Тошкент: Ижтимоий фикр, 1998. – 142. 34-бет.

⁹М.Комилов. "Фикр – ислом хукукининг мустакил теократик сиёсий тизимлар хукуки сифатида шаклланиши".

¹⁰Куръони Карим / Таржима ва изохлар муаллифи Алоуддин Мансур. – Т.: Чўлпон, 1992. – Б. 63.

¹¹Куръони карим. Нисо сураси. 135-оят. (Таржима ва изохлар муаллифи Алоуддин Мансур). - Т.: "Чўлпон", 1992. 544 б. 68-бет.

¹² А.Сайдов., А.Жузжоний. Шарқ ва инсон хуқуқлари: тарихий-хуқуқий лавҳалар. – Тошкент: Ижтимоий фикр, 1998. – 142. 34-бет.

he was required to be bokhabar from deep religious and secular sciences.

From these, it can be said that the legal views of this period arose not only on the basis of trust and belief, but also as a product of certain knowledge and thinking. Thus, in Islamic doctrine, legal views are understood before, observed and contemplated, followed by strict sharia rules.

The third period is the period from the 13th century to the 70s of the 14th century, starting with the invasion of the Mongol Empire (1219-1220).

During this period, spiritual, moral, and legal doctrines related to fair justice were also influenced by the strict military regulations and harsh punitive measures introduced by Genghis Khan through the "Yassa Laws", which laid the foundation for the nomadic state governance system.

The term "Yassa" comes from the Mongolian word "dzasaq", meaning law or punishment, and it served as the primary legal source of medieval Mongol law¹³.

In the Mongol state, those who violated established laws and regulations or disobeyed orders were subjected to punishment. Historical sources indicate that most criminals sentenced under Yassa laws were executed, highlighting the extreme severity of these legal codes.

The famous historian Sharafuddin Ali Yazdi, in his work *Zafarnama*, also documented the harsh nature of these laws:

"Whatever the ruler decreed was implemented in that manner, with each matter having its own specific law, and every crime assigned a corresponding punishment."

Social and Ethnic Inequality in Yassa Laws

Despite its strict enforcement, the Yassa legal system was based on social and ethnic inequality. For example:

- The blood price (compensation) for the death of an innocent Mongol was set at 40 "bolish" (golden coins) and 1 silver coin.

- In contrast, the compensation for the death of a Chinese person was merely the value of a donkey.

This disparity illustrates how justice under the Yassa laws was applied unequally, favoring Mongols over other ethnic groups.¹⁴

But there is also a second side to the issue, which under the legal doctrine has been put forward the idea that the harshness of the law and the punishment prescribed in it will lead to strict discipline in society. "The purpose of punishment in the Mongols was to retaliate, to levy a diet, and to intimidate. "When they find out who has broken the law and leads them to ignorance, they will end up suffering, so that in fear of suffering, a person will not enter this path, "the Triumph says"¹⁵.

According to sources, "at the famous Congress called in 1206, Yaso cones are adopted and Yaso and knowledge are introduced for them during the years of Mongol rule within the framework of present-day Uzbekistan, while in the more Indigenous Peoples, Muslim law was practiced during this period, in addition to local customs within the herders"¹⁶.

Legal scholar Z. According to muqimov, "when it comes to the judicial system, sources or a special work on the issues of the organization of judicial proceedings of the Golden Horde or the territory of present-day Uzbekistan, which was part of the Chigatoy Ulus in this period, do not exist until now. In early times, that is, when the upper class of society did not adopt the Muslim religion, and the Mongol authorities were Muslim, litigation in cases involving the Mongols was based on Yaso"¹⁷. So, during the invasion of Genghis Khan, the court, having become extremely important in the life of the state and

¹³<https://qomus.info/encyclopedia/cat-ya/yasoq-uz/>.

¹⁴Шарофиддин Али Яздий. Зафарнома. "Шарқ юлдузи". 1992. 4-сон. 153-бет.

¹⁵З.Муқимов. "Ўзбекистон давлати ва ҳуқуқи тарихи". Олий ўқув юртлари талабалари учун дарслик.- Т: "Адолат", 2003. - 280 бет. 140-бет.

¹⁶Ясо (ясок) - давлатнинг ички ва ташқи сиёсатини тартибга солишда Чингизхон томонидан эълон қилинган

қонунлар тўплами. Ўзбекистон тарихидан мавзулар бўйича илмий изоҳли лугат. Б.Қодиров, Х.Матёкубов. Т. 2008. -Б. 84.

¹⁷З.Муқимов. "Ўзбекистон давлати ва ҳуқуқи тарихи". Олий ўқув юртлари талабалари учун дарслик.- Т: "Адолат", 2003. - 280 бет. 141-бет.

society, when considering disputes regarding the Mongols, was decided mainly according to the laws of Yaso, and the Muslim case, according to the laws of Sharia.

Based on the above, the following conclusions can be drawn about the spiritual and moral and legal teachings on Justice, which were formed in the territory of Movarounnahr:

First of all, the spiritual and moral and legal teachings on justice are aimed at deciding truth, justice and justice in any period of its formation and development, and have become an integral part of the socio-political life of society at that time;

Secondly, in all three periods analyzed, procedures aimed at ensuring justice were not fully and perfectly formed;

Thirdly, in these periods, modern technologies and equipment, which are important in ensuring justice, as well as legal institutions of judicial proceedings (prosecutor, lawyer, legal representatives, experts, specialists, etc.), are not fully formed;

Fourth, with the emergence and development of the concepts of state-law as a common aspect inherent in these periods, the need for the profession of justice and Justice increased, and the implementation of Justice improved.