

The Provision of Human Rights in The Uzbek Khanates: On the Example of Working with Citizens Appeals and Exercising Supervision Over It

Zokirov Sherzod

Doctor of Philosophy (PhD) On Science in Law, Uzbekistan

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Abstract: In this article, the provision of human rights during the Uzbek khanates was considered on the example of the consideration of citizens' appeals and its supervision. In this regard, it is studied on the basis of fragmentary facts present in the scientific literature and in scientific research carried out by researchers. At the same time, during the period of the Uzbek khanates, the consideration of citizens' appeals and the implementation of control over them have been analyzed based on the national legal documents available today.

Keywords: Citizens' appeal, human rights, Uzbek khanate, reception ceremony, gender equality, representative institution, repeated appeal, mukhtasib.

Introduction: It is universally acknowledged that self-awareness begins with knowledge of history, that there can be no future without historical memory, and that history serves as a source of spiritual nourishment for a nation. In recent years, the comprehensive and in-depth study of our ancient and rich history and, most importantly, the dissemination of the findings to our people have acquired greater significance than ever before.

The scholarly research conducted by scientists and researchers working in various fields plays a particularly important role in this highly significant and responsible process. In today's New Uzbekistan, all the necessary conditions and opportunities have been created to restore an objective account of our country's history and ensure its further development.

Accordingly, in virtually every address, speech, and publication of the President of the Republic of Uzbekistan, particular emphasis is placed on the importance of fostering a sense of pride and dignity based on historical memory as one of the key factors in preserving national identity. A clear illustration of this position can be found in the remarks made by the Head of State during his meeting with activists of the newly established Kokdala District in Kashkadarya Region.

At the beginning of his remarks, our President stated that he had read about the great victory of our illustrious ancestor, the great military commander Amir Temur, in the historic battle against Tokhtamysh Khan, and noted that he had not previously encountered information about this battle and that it was new to him. At the conclusion of his remarks, he emphasized the importance of studying history in depth, stating: "Why do we not study the history of our great ancestors such as these well? For many years, through constant repetition, we were made to absorb the history of others and the victories of others. I have instructed the relevant officials that, first and foremost, we must study the history of our own ancestors." These remarks demonstrate the importance of knowing, first and foremost, the history of every subject being researched.

Looking at the history of Uzbek statehood, it can be said that the handling of citizens' appeals in the Uzbek khanates was directly linked to the system of governance in those khanates. This was because various stages, institutions, and specific positions were established to directly address citizens' appeals, convey their petitions and complaints to the rulers (khans and emirs), and exercise oversight to ensure that such

appeals were resolved lawfully and in accordance with the norms of Sharia. In addressing the petitions and complaints of the population, the rulers acted on the basis of principles of governance.

For example, in the Bukhara Khanate, there were two principal specialized officials in the office of the head of state who were directly responsible for matters related to the emir's day-to-day affairs. One of them was the parvanachi, whose duties included conveying the emir's decrees and other decisions to beks and other officials. The holder of the second position was the dodhoh, whose duties included receiving petitions and complaints submitted to the head of state on various matters, conveying them to the khan, and returning the responses provided to their respective petitioners.

In the Emirate of Bukhara, the emirs attached great importance to the consideration of petitions and complaints. In other words, officials at the highest level of the state themselves directly considered appeals submitted by the subjects, which constituted one of the forms of ensuring human rights. In particular, petitions and complaints were considered personally by the emir himself; in some cases, under the personal supervision of the emir, appeals were assigned to the Shaykh al-Islam, the Kushbegi, or the Qazi Kalon for substantive consideration. If officials to whom the emir had assigned an appeal for consideration refused to consider it or failed to resolve it adequately, complainants were entitled to appeal to the emir again, for a second time. In both cases, as a general rule, a decision on the particular matter was required to be made at the place where the matter arose.

When comparing this practice with our current national legislation, Article 32 of the Law of the Republic of Uzbekistan "On Appeals of Individuals and Legal Entities" establishes that a person may file a complaint, through the administrative chain of subordination, with a higher-level authority or directly with a court against the unlawful refusal to accept or consider an appeal submitted by an individual or legal entity.

Among the reforms carried out by Amir Shahmurad in the Emirate of Bukhara, judicial reform is particularly noteworthy. Under this reform, every Muslim, including a slave, had the right to bring a complaint before a qadi and to hold accountable his master who was acting unlawfully.

Such a rule was not only a major step toward improving the administration of justice and ensuring the rights of every individual in the Emirate of Bukhara at that time, but also throughout the states of Turkestan. In addition, a chamber of the highest court (qozikhona), consisting of forty a'lam (legal scholars), was established. Its members were provided with a

compilation prepared personally by Amir Shahmurad on the basis of Sharia law, and they were required to refer to this compilation when resolving petitions and complaints.

A petition or complaint could be submitted by a specially authorized representative of the claimant, who could also participate in the court proceedings as the claimant's representative.

Today, this institution of representation is reflected in legislation governing appeals. Article 6 of the Law "On Appeals of Individuals and Legal Entities" establishes that, where appeals are submitted through representatives of the applicants, documents confirming the representatives' authority must be attached to the appeals. Thus, it may be concluded that the institution of submitting appeals through representatives has its origins in this period.

It is recorded in historical sources that in 1875, a woman named Tukhtay, who lived in Kamat District of the Emirate of Bukhara, submitted a complaint to Amir Sayyid Muzaffar (1860–1885). The substance of her complaint was that a man named Burkhan was forcing her to marry him. The emir issued a special instruction, known as a "muboraknoma," to the Qazi Kalon of Bukhara to investigate the circumstances of the case and determine the reasons underlying it.

This demonstrates that in the Emirate of Bukhara, not only the petitions of male applicants but also those of women were heard, and measures were taken to protect their rights, restore their violated rights, and ensure gender equality.

The state apparatus of the Emirate of Bukhara, which existed from 1747 to 1920, was built upon the traditions of Muslim statehood and Chinggisid-Turkic customs. One of the important institutions within this apparatus was the system for considering petitions and complaints submitted by the population to the ruler. This system served, first and foremost, to enable the emir to maintain internal order in the country and, moreover, to enhance his reputation among the people as a just ruler.

According to tradition, petitions from the population were received during special ceremonies held at the palace, as well as during the ruler's travels throughout the city or the country. The emir would then assign his officials to deal with the petitions. In the palace chancellery of the Emirate of Bukhara, this process was carried out through written documents in Persian, including muboraknoma (plural: muboraknomajot) and arz (plural: aroiz), which recorded the relevant correspondence. Naturally, the institution for considering petitions from the population also existed, with certain differences, in the Khanates of Kokand and

Khiva. For example, in the Khanate of Kokand, responses sent to petitions were also referred to as muboraknoma. However, the process of handling them was not as orderly as it was in the Emirate of Bukhara. In the Khanate of Khiva, petitions received by the palace were handled by the yasovulboshi. In response to petitions, a fatah or nishona document was sent from the office of the yasovulboshi. In Bukhara, by contrast, a muboraknoma was written in response to petitions and various requests submitted by the population. Unlike in the Khanate of Khiva, it was written there in the ruler's chancellery (darbori oliy, rikobi oliy) by the emir's personal secretary, the munshiy. It conveyed the emir's will concerning the matter stated in the petition to the relevant official in the form of an order.

A muboraknoma was primarily written in response to petitions of various kinds. It was sent either to one official or, depending on the official's involvement in the matter under consideration, to several officials.

When compared with the present day, it can be observed that the fact that several structural units (departments and divisions) may be responsible for responding to appeals received by the prosecution authorities, which are institutions responsible for overseeing compliance with legislation concerning appeals by individuals and legal entities, bears a historical resemblance to the muboraknoma used in the Emirate of Bukhara to respond to petitions and complaints.

Muboraknoma documents were of two types according to their content and function. The first type began with a brief summary of the petition submitted and concluded with the emir's order specifying what actions were to be taken in relation to the matter. The second type of muboraknoma was written to approve an action carried out by an official, provide additional instructions, or grant a reward. Muboraknoma documents of this type were concise and brief in structure.

The problems addressed in the muboraknoma documents covered the following areas in terms of their substance:

- social issues (the repair of mosques and mausoleums, madrasas, bridges, roads, and water facilities, as well as the construction of new ones);
- issues in the field of education (organizing the activities of madrasas and providing students in need with accommodation and books);
- land and property issues (resolving problems arising from various forms of land and property ownership);
- legal issues (taking measures in response to murders

and administrative offenses and punishing those responsible);

- family issues (resolving family disputes through divorce).

According to Z.M. Muqimov, a national scholar, there were four positions in the Emirate of Bukhara associated with the administration of justice and judicial affairs: the Shaykh al-Islam, the mufti-jurist, the muhtasib, and the teacher.

The muhtasibs, who held the third of these positions (which, by comparison with the present day, may be likened to certain duties and functions performed by prosecutors; author Sh.Z.), encouraged the population during this period to refrain from acts prohibited by Sharia and to engage in acts of virtue. They exercised continuous oversight over compliance with the rules of Sharia and also supervised officials and religious figures to ensure that they observed rules of morality and dignity.

This demonstrates that during the period of the Ashtarkhanids, compliance with the rules of Sharia was also supervised by the muhtasibs.

The handling of citizens' appeals in the Khanate of Khiva also had its own distinctive features. In particular, Muhammad Riza Agahi's work "Firdaws al-Iqbal" records that Muhammad Rahim Khan I (1806–1825), one of the rulers of the Qungrat dynasty, who was distinguished by his active military campaigns to restore the territorial integrity of Khorezm in the early nineteenth century, repeatedly traveled to different parts of the khanate to hear petitions and complaints from the population.

The settlement of the Dasht-i Qipchaq tribes in the Khorezm region required the creation of specific systems and mechanisms to regulate relations among individual clans and their participation in local governance. Such measures were carried out during the reign of the Khan of Khiva, Abulghazi Bahadur Khan (1644–1663), when the administrative and governance system of the khanate was reorganized. Under this administrative reform, all Uzbek tribes in the khanate were divided into four tribal confederations. New positions were also introduced within the central administration of the khanate. These included two Shaykh al-Islams, two qazis, one rais from the descendants of Sayyid Ata, a mutawalli, a yasovulboshi (responsible for handling petitions and complaints), and an arbab. It is noteworthy that almost all of these positions continued to exist in the khanate, with minor modifications, until 1873.

A number of interesting observations concerning the hearing and resolution of citizens' petitions and

complaints in the Khanate of Khiva were also recorded by European authors who visited Khiva in the 1860s. In particular, the Hungarian traveler Arminius Vámbéry, who visited Khiva in 1863, recorded the following in his memoirs:

“Almost every day, complaints from people of different social backgrounds, ages, and genders were heard. Most of them came in their everyday clothes. Some women even carried young children in their arms. None of these people were registered, that is, there was no waiting list. Whoever managed to make their way through the crowd and get closer to the khan had their complaint heard”.

The Khivan khans would usually hold hearings in the palace when the population had complaints against officials (the consideration of appeals is meant here; author Sh.Z.). Specific days were designated for holding such hearings at the palace. When necessary, while the khan was away from the country, members of the Council would hear the petitions. In addition, the khans would appear before the people at certain times. For the head of state, this activity was regarded as both a religious duty and an obligation, and this tradition was known as “Korinush”.

In his memoirs, the Hungarian traveler Arminius Vámbéry, who visited Khiva in 1863, also recorded that in every city of the Khanate of Khiva there were rais (qadi-rais) who supervised the Muslim population's observance of all Sharia norms, the improvement and maintenance of cities, the accuracy of weights and measures in the markets, and honest trade by merchants. By that period, the term muhtasib had, in some khanates, been replaced by the term rais. Vámbéry further noted that the rais were also responsible for supervising whether parents sent their children to school on time.

The reason for this was to strengthen the quality of education and emphasize the importance of children receiving an education. The fact that this responsibility was entrusted to the rais, who acted in accordance with the norms of Sharia, demonstrates the particular importance attached to this position.

According to the historian Bayani, one of the holders of the position of rais in the Khanate of Khiva, Abdullah Akhund ibn Qazi Eshmurod, was distinguished by his extensive knowledge of the norms of Sharia, his particular attention to education and upbringing, and the fair resolution of appeals submitted by citizens in accordance with the norms of Sharia. He succeeded in restoring relative order in the markets of the khanate, improving cities, madrasas, and schools, and repairing roads.

A study of historical information concerning Khiva

makes it clear that the muhtasibs played a particularly important role in the administration of military affairs in the khanate. In particular, the muhtasib was responsible for ensuring the rule of law in military affairs and resolving legal issues in this sphere on the basis of the laws of Sharia.

It may therefore be concluded that the functions currently performed by military prosecutors can be compared with the powers assigned to the muhtasibs during the period of the Khanate of Khiva. In other words, one may advance the scholarly view that the emergence and institutional development of the position of military prosecutor can be traced back to the position of muhtasib that existed in the Khanate of Khiva.

Some travelers who came from Europe to Central Asia in the seventeenth through twentieth centuries noted in their diaries that women submitted petitions and complaints to the khan or qadi. In the Khanates of Bukhara and Khiva, the rulers received members of the population who came with complaints at designated hours each day. It is also recorded that among these petitioners were women who primarily appealed because of family matters or disagreements between husbands and wives (family problems or disputes, which were usually resolved through reconciliation between the husband and wife).

Among the historians who lived and worked in the Khanate of Khiva, Bayani noted in his work *Shajarayi Khwarazmshahi* that Muhammad Rahim Khan II (1865–1910), the Khan of Khiva, organized the reception of citizens every day after the noon prayer, during designated hours between noon and sunset, in specially designated rooms known as *kurinishkhana*.

The qazi court (*qozikhona*) consisted of two rooms. One of them was occupied by the qazi and the mufti a'lam, while the other was occupied by a secretary. No specific day or time had been designated for the consideration of petitions and complaints. Therefore, anyone could submit an appeal on any day. There was also a special official in the qazi court, known as the *jarchi*, whose duty was to read petitions and complaints aloud. If one of the parties was dissatisfied with a decision issued by the qazi, that person had the right to submit a petition to the *bek*. The *bek*, in turn, was empowered to make independent decisions. One of the clear manifestations of ensuring human rights was the fact that any person, regardless of their place of residence, had the right to apply to a qazi. If a qazi issued an unjust judgment or decision, the Qazi Kalon could amend it. In such a case, the qazi could not raise any objection to the decision issued by the Qazi Kalon.

Certain manifestations of this mechanism can also be

observed today. In particular, Article 38 of the Law "On the Prosecutor's Office" establishes provisions concerning a protest, which is one of the acts of prosecutorial supervision. According to this provision, a prosecutor may submit a protest against an act that contradicts the law to the body that adopted the act or to a higher-level body. The same procedure applies to a protest against an unlawful decision of an official.

Among Uzbek scholars who have studied the history of the Kokand Khanate, Sh. Vohidov has noted that each city, province, and bekdom of the khanate had its own qazi, and that petitions and complaints submitted by citizens, as well as everyday economic and social matters, were resolved by the qazis. In areas where there was no qazi, these functions were performed by the rais. Another scholar, S. Sodanbekov, has also noted that holders of the position of rais observed and supervised the conduct of the population and their compliance with the rules and principles of Sharia.

In summary, throughout the history of Uzbek statehood, a specialized system for considering citizens' petitions and complaints existed. The muhtasibs exercised oversight to ensure that appeals submitted by the population were resolved on lawful grounds and in accordance with the norms of Sharia. Although this tradition underwent certain changes over the centuries, it did not, in general, experience any fundamental or systemic transformation. The position of muhtasib stood out among other positions because it was an important position within the system of state administration and because its holders performed their duties in accordance with the norms of Sharia.

There are numerous materials awaiting researchers in the archival collections of the Republic of Uzbekistan, the Alisher Navoi National Library of Uzbekistan, as well as in the collections and libraries of a number of higher education and research institutions. In many cases, when conducting research on a particular topic, our national researchers cite historical information relevant to the subjects they are studying. However, when using historical materials, they quite often turn to the history of foreign countries.

In developing the content of a topic and revealing its essence, turning to our own history and bringing important historical facts concerning it to the attention of the general public is of particular importance for the development of science today. This point can be further substantiated by noting that an analysis of the candidate and doctoral dissertations of foreign researchers, including Russian, Kazakh, Belarusian, and Tajik scholars, demonstrates that researchers thoroughly study the history of the subject under investigation and, in the course of their research, turn

to the history of their own countries.

A person who does not know or understand history, who does not value it or learn lessons from it, cannot fully comprehend not only how their distant and recent ancestors lived or how the nation to which they belong was formed, but also their own future.

Restoring historical justice concerning the destiny of the people and the country, fully revealing the closed pages of the past of the people and the nation, learning lessons from that history, and developing a conscious outlook toward the present and the future should be regarded as both a duty and an obligation to the people and the country.

CONCLUSION

In conclusion, the well-known and instructive words of Abdulla Qodiriy, the founder of Uzbek novel writing, are: "It is beneficial to act with the past in mind." Upon reflection, the relevance of these words becomes clear. Looking back at the past and the events that took place in it, drawing lessons from them, and deriving the necessary conclusions help us appreciate the present and preserve it. Given that history tends to repeat itself, we must study the history, roots, and essence of every undertaking in order to avoid repeating the mistakes of the past and to address existing shortcomings. Only then will we be able to fully achieve the goals we have set for ourselves.

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