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HISTORICAL ROOTS OF THE FORMATION OF TERMS RELATED TO JURISPRUDENCE

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ABSTRACT

This article examines the historical origins and evolution of terms associated with jurisprudence, shedding light on the linguistic and conceptual foundations of the field. By tracing the etymology and semantic development of key legal terminology, the study investigates how the language of law has evolved over time and the historical contexts that have shaped its meaning.

Drawing upon a multidisciplinary approach that incorporates linguistics, legal history, and socio-cultural analysis, the research explores the diverse sources and influences that have contributed to the formation of legal terms. It investigates the impact of ancient legal systems, such as Roman law, Canon law, and Islamic law, on the development of legal vocabulary. Additionally, it examines the role of linguistic borrowings, such as Latin, French, and Greek, in enriching and expanding the lexicon of jurisprudence.

KEYWORDS

Jurisprudence, Turkish state, Amir Temur, legal issues.

INTRODUCTION

Amir Temur, who founded the Turkish state, contributed to the enrichment of the Uzbek language with many political and legal concepts [1]. For example, you can find such concepts as tuzuk (rule, right), law, royal law, state system, property acquisition rules, obey (serve), sentence, execution, and punishment.

The legal issues that started during the reign of Amir Temur became even richer during the rule of his descendants - the Timurid princes. In particular, Zahiriddin Muhammad Babur in his famous work "Baburnoma" mentioned a lot of terms used in the jurisprudence of his country and time. The work is

dedicated to the life of a person directly related to the life of the palace and affairs of the kingdom, as well as to the account of active political processes. In the language of the work, “ont” (51), “mulkgirlik” (52), “yog’iylk” (54), “qasd” (55), “ayyorlik” (56), “ahd” (58), “mamlakatdorlik” (60), “adolatpesha” (63), “g’anim” (76), “nohamjihatlilik” (82), “elchi” (83), “sulhguna” (85), “arz” (96), “urush” (99), “vuzaro” (159) are used. They are the first appearances and stages of the formation of words and concepts related to legal terminology. For example, Umarshayx Mirzo ham Andijon hukumatini anga berdi (Umarshaikh Mirza also gave the government of Andijan to him (15). The word government in the example is one of the main public administration concepts.

Hoji Mavloniy qozikim, Sulton Ahmad qozining va Shayx Burhoniddin Qilichning naslidur... (17) (Haji Maulani is a descendant of my Qazi, Sultan Ahmed Qazi and Sheikh Burkhaniddin Qilich... (17). In ancient times, the noun qazi – position was used, and this concept corresponds to the position of a judge today. In the core of this concept, there is also the word kazikhana - formatted word.

Bu siyosatnin tamom el bosildilar (This policy was completely suppressed (18). The word "policy" here means the method, way, and measure chosen in situations of chaos.

Hoja qozini va Udun Xoja Husayinni elchilikka bu mazmun bila yuborildikim... (18) (I sent Khoja Qazi and Udun Khoja Husain to the embassy with this in mind... (18). The name ambassador means a person who performs a special task sent by the heads of state in the regulation of interstate relations.

Abobakr duglat Koshgarikim... was the governor of Koshghar and Khotan... (19). The word “hokim” mentioned in the text means a chief, a leading position, an official in a certain administrative area. This word is still used in the Uzbek language state policy today, but it has differences in terms of authority and rights compared to the historical period.

On the other hand, He did not show any kindness or mercy in return for the unrighteous and good deeds (23); He grew up in the nobility and the state (23); Hasan Ya’qub was deposed and his conspiracy was comforted (25); There was another Vali... He used to gossip about the people. He was a slanderer a harlot and a curmudgeon (29); He was not active in the legal field today, as he took Ani and burned Hisor (37) by pretending to be an owner. Finally, I found out that they had come to arrest Shiraz after leaving Baysung’ur Mirzadin with a claim (39); I was in this position during the conquest of Chirik, I became a decree... (39); We have forgiven their sins (40); There are words that are actively used in jurisprudence today, such as "There are few traces and signs left of those who committed suicide" (51) Ul nohaqshunosni bemuruvvat ul yaxshiliklarning muqobalasida hech nav’rioyat va shafqat qilmadi (23); Mirzodalikta va davlatta ulg’ayib edi (23); Hasan Ya’qubni ma’zul qilib, fitnasig’a taskin berilgay (25); Yana bir Vali edi... Jam’i elni g’iybat qilur edi. Badzabon va fahshgo’y va xurpisand va tiyra mag’z mardak edi (29); Ani olib, mulkgirlik dag’dag’asini quyub, Hisorga yondi (37) kabi bugungi kunda yuridik sohada faol bo’lmagan. Oxir ma’lum bo’ldikim, bular da’vo bila Boysung’ur mirzodin ayrilib, Sherozni saxlag’ali kelgan ekandurlar (39); Chirik zabti bu martabada edikim, farmon bo’ldikim... (39); Biz dog’i gunohlarini afv qilduk (40); Alarg’a qasd qilg’onlardan oz fursatta osor va alomat qolmadi (51).

From the examples given above, it can be seen that legal terms such as oath, intention, covenant, complaint, war, government, politics, governor, mercy, state, fitna, gossip, claim, decree, sin, and amnesty are used.

It can be said that the formation of vocabulary and its factors are different in each language. In this research, we focus on the sources of the emergence of legal terms of the German language, referring to the comparative analysis of the legal terms of the German and Uzbek languages, and we see that the sources of the history of this language are also related to ancient history. possible In the drama "Der zerbrochene Krug" ("Broken Jug") by the German writer Heinrich von Kleis, we can see that dozens of terms are mentioned in the German language in jurisprudence of 300-400 years ago and are still used today.

Among them, the concept of "Schreiber beim Gericht" (1) is the most actively used unit. This concept has been used as a legal term in the language since the early days of the existence of courts.

Another concept related to a court case is the German Was? Der Gerichtsrat? Eine Prüfung? Das ist nicht gut /What? A panel of judges? Is it a test? It is not good/ used in (2). That is, the combination of several judges in the German language, that is, a panel of judges, is still actively used in the terminology of the legal field.

Die Kasse und Protokolle /Cash register and journals/ (3) These concepts are used in different paradigms in the language under the phenomenon of expansion of meaning or narrowing of meaning. In German, these concepts are legal units. In the following text, we can see the relevance of these concepts to the legal field with the help of examples. Angeklagter, Ich sehe bei

der Verhandlung zu und prüfe ich die Kassen"Der zerbrochene Krug" ("The Broken Jug") by Heinrich von Kleiss. In this given example, we can immediately notice that the lexeme of the accused is related to the legal process, but the lexeme of the cash register can be understood to be used in several senses, that is, a cash register used in purchasing, selling something, or in various departmental processes.

In German, legal uniforms and wigs for judges are the norm, and in turn, words expressing these concepts are included in the terminology of the field. Herr Richter ziehen Sie Mantel und Perücke an /Mr. Judge, put on a coat and a wig/ (5) Judges also wear special clothes in Uzbek.

One of the active lexical units of legal field terminology is the term accused. I am also Richter und Angeklagter at the same time. Ich muss mich selbst verurteilen /So I am judge and accused at the same time. I must judge myself/ (4). The text's complexity is created by the fact that the words judge and accused are used in this text to essentially refer to the same person (Heinrich von Kleis' Der zerbrochene Krug ("The Broken Jug").

Also Ich muss weglaufen, sonst komme ich ins Gefängnis / I must run away or I will go to prison / (4); Ja, das passiert, wenn man sich nicht an die Gesetze hält. Heute ist doch Gerichtstag bei Ihnen, oder? / Yes, that's what happens when you disobey the law. Today is judgment day for you, isn't it? / (5); Sie führen das Protokoll /They keep the protocol/ (7); Du bist also der Schuldige / So you are guilty / (9); In einer richtigen Gerichtsverhandlung spricht zuerst der Kläger – hier Frau / In a real court session, the plaintiff speaks first - here is a woman / Examples like (9) are also available.

Among the mentioned historical legal terms related to the German language, we can cite the following terms as examples that are still actively used today. Der Gerichtsrat? (Council of Judges), Protokolle (document), Richter (judge), Angeklagter (accused), Verhandlung (trial), verurteilen (judge), Gefängnis (prison), Gesetz (law), Schuldige (guilty), Gerichtsverhandlung (court meeting), such as Kläger (plaintiff).

After the second half of the 19th century, new legal terms began to be used in newspapers and magazines published in Uzbek. Some of these terms began to be used in the Russian-international form (with the pronunciation adapted to the Uzbek language): "avoxta" (gauptha), "lawyer", "action", "arist", "ariston", "bankrupt", "vayannoy sod", "deplomat", "zakon", "istrajnik", "doznaniya" (interrogation), "ugalavniy ish" and others. At the same time, a number of legal terms began to be accepted in full and semi-modified form: "Basic Law" (constitution), "trapped goods" (contraband), "demand" (ultimatum), "payment" (tax), "Siyaz judges", "Siberia", "Pechat", "zakonkhona" (advocacy), etc [2].

It is well known that the history of German jurisprudence from a legal-historical point of view includes legal knowledge based on tribal rights and, in particular, on Saxon and Frankish legal concepts. Together with Roman and canon law, it formed common jurisprudence in the High Middle Ages and formed a trinity of legal sources that were decisive in the development of European jurisprudence.

In this sense, German jurisprudence should not be confused with actual jurisprudence in Germany. It refers only to the historical period and its legal traditions, and we can observe that German

jurisprudence began in the 6th century of the Middle Ages and continued until the beginning of the 12th century. Accordingly, modern studies assume that a single all-German system was formed in the Middle Ages. To this day, German-canonical Roman legal traditions coexist in Germany, and the current legal system relies on all of these sources.

It is known from German historical times that ancient Germanic law was accepted orally.

Pre-medieval Germanic jurisprudence expressed the rights of the people's courts orally. Tribal rights, Germanic national rights arose for members of individual tribes during the migration of peoples.

In the Middle Ages, tribal rights, originating from early medieval hierarchical societies, arose as land rights for the inhabitants of a specific geographical area. In addition, there were special rights for certain professional groups or groups of people. Ownership of land and property and related services and obligations began to express the main direction of the legal system. The legal system of the nobility consisted essentially of feudal law. Peasants were partly free and legally independent landowners, partly attached to the church. Reich legislation was limited to separate constitutional laws. For example, the Golden Bull of 1356. Muhlhausen Reich Law, created in the 12th century, It can be concluded that law books such as Sachsenspiegel (Saxonian Mirror) or Schwabenspiegel (Swabian Mirror) contributed greatly to legal harmonization. In particular, the Sachsenspiegel (Saxon Mirror) has survived largely unscathed from the later Middle Ages and early modern period to the present day [3]. We have shown during our research that German legislation was strong in the Middle Ages.

We will focus on the legal relations of feudalism in the social system in Germany, an agrarian country characterized by a natural economy. The upper class, land-owning nobles, was divided into different property groups, and the lower class, the peasants who worked the land, were formed on the one hand. Only at the beginning of the High Middle Ages, i.e., in the second half of the 12th century, we can observe the development of the regulatory aspects of trade and monetary relations with the cities. But at that time, a state with a bureaucracy and a standing police army certainly did not yet exist. The order of estates created in the Middle Ages was preserved until the French Revolution.

It should be noted that in the High Middle Ages, unlike today, judges were only responsible for negotiating and announcing the verdict with the judges.

The judge alone did not have the authority to make a decision. The main actions of the party created strong binding effects, which led to the emergence of the habit of entrusting them to lawyers for their existence. The evidence was an oath (often administered by oath-takers) and a judicial duel, which decided guilt and innocence as a divine judgment. The sentences were not dependent on legal remedies in the modern sense, as a result of which we can observe that the trial was immediately conducted between the prosecutor and the judge. From the early Middle Ages, Germanic punishments were mainly physical injuries. In the Middle Ages, there was a general trend of infamous interrogations, mirror punishments under the law, and capital punishment under torture.

Between the 13th and 16th centuries, a legal profession emerged that taught and studied Latin. It was taught in written Roman law and canon law created by the

Catholic Church. The emergence of learned jurists in German legal practice began the adoption of Roman law, as medieval culture was influenced by the Latin language. A number of official and private works of Emperor Frederick III are recorded in writing. In connection with the reform of constitutional structures, it is also known that in the 1440s, doctors of jurisprudence had a large voice in council meetings and in the courts.

From the second half of the 15th century, the law was influenced by the modern law taught in Italy - Roman law. Although the law existed only as an adjunct to local and regional laws, they were often romanized, i.e. adapted to Roman law.

With the Enlightenment period, a decisive turn in the legal system took place, a new social theory was developed that adopted the form of the medieval society. From the 18th century, we can observe that the German law grew stronger.

As a result of historical development, Roman law began to have a significant influence on the development of the German legal system. Although the Germanic tribes had their own legal traditions, which were written down in law codes after the fall of the Western Roman Empire, these tribes settled in former Rome and were therefore more familiar to the population. They had to incorporate Roman law into their legal tradition. During our research we learned that there were times when there was no written law in the early Middle Ages.

It was different only in ecclesiastical territory, where since the beginning of the Middle Ages written laws were also subject to church law. In addition to members of the clergy, the poor, widows, orphans,

and crusaders were subject to the existing law. From the twelfth century, it is noted that local customs are not thematically classified as the best. Examples of this are the "Saxony Window" and the "Swabian Window". These collections show typical events of the Germanic legal tradition, such as the criminal paying fines to his relatives.

The Roman foundation of the corpus iuris civilis, written by the Eastern Roman Emperor Justinian (527-565), spread throughout Europe through Italian law schools. Roman law was applied mainly when no solution was found. Rational law became widespread during the Enlightenment. Roman is interpreted and adapted in a modern way.

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