
SOME REFLECTIONS ON A RETROSPECTIVE ANALYSIS OF LIABILITY FOR PERJURY

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Abstract:	Keywords:
<p>Perjury, defined as the act of providing false testimony during judicial proceedings, undermines the fairness and integrity of the judicial system, leading to wrongful decisions and a loss of public trust in the rule of law. This article explores the historical, religious, and legal dimensions of perjury, highlighting its universal recognition as a socially dangerous crime. From ancient legal codes, such as Hammurabi's Laws and Roman law, to the provisions of Islamic Sharia and the modern framework under the UN Convention Against Transnational Organized Crime, perjury has been consistently condemned for its detrimental impact on justice and society. By examining the evolution of legal measures and societal attitudes toward perjury, the article underscores the necessity of stringent safeguards to prevent false testimony and uphold the principles of justice.</p>	<p>Perjury, Justice, Judicial system , False testimony , Rule of law, Criminal law, Social justice, Islamic law, Ancient legal codes, UN Convention Against Transnational Organized Crime.</p>

Introduction

The court is the sole authority of the state exercising Justice. Judicial power plays an important role in restoring the violated rights and freedoms of Man and citizens, in protecting the interests of the state and society. Obstructing this in the process of carrying out a fair trial, together with the restoration of social justice, also causes the loss of confidence in the state and its law-abiding bodies of persons applying to court in order to protect their rights and legitimate interests.

In other words, perjury prevents the identification of the truth during the trial, causing an unfair decision to be made. This situation weakens confidence in the rule of law in society. Even in Article 23 of the United Nations Convention Against Transnational Organized Crime (criminalization of obstruction of Justice), adopted on November 15, 2000 by resolution 55/25 of the UN General Assembly, each participating state uses physical force to persuade false testimony in the process of being shown due to crimes covered in this convention, or to provide evidence during proceedings, or to interfere in the, the fact that it is established that it is necessary to take legislative measures and other measures that may be required to recognize them as a criminally punishable act when it is deliberate to promise, propose or give false advantages, indicates that this act is dangerous not only nationally, but also transnationally. As

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a legal category, "falsehood" is central to criminal law, which generally refers to the presentation of information in a deliberately misleading or confusing manner. Criminal-legally false activities undermine the fairness, legal order and moral foundations of society.

F.Toxirov, on the other hand, points out that the social danger of the crime of perjury is more serious, which, as a result of this act, can not only harm the health of those who carry out Justice (judicial bodies) and those who support it (inquiry, investigation, prosecutor's office), but also harm the health of the witness, expert, translator or their close relatives. It should be noted that the responsibility for an act expressed in perjury goes back to the distant past.

A scientific researcher on this topic.Toshpolatov cites that perjury was also condemned in the Gospel ("do not perjure your neighbor") as well as in Avesto ("cruel gar kimda-kim liar") and caused liability . There were also three categories of misdemeanor offences in the Gospels, which included: - bodily injuries: in each case, the exact list of condolences was punished according to the laws of ur-Nammu, the laws of Eshnunna, the laws of Hammurabi and the laws of Hittite. Also, when it comes to an incurable injury, along with the injured eye or organ, the fallen tooth is also taken into account; – miscarriage of the fetus (occurrence of premature labor in a woman) was punished according to the laws of Ipit-Ishtar, the laws of Khammurapi and the laws of Middle Assyria; -perjury or unproven charge: punishable under ur-Nammu laws, Ipit Ishtara laws, Hammurapi laws and Middle Assyrian laws. T.Fraimer-Kenski notes that the crime of perjury was also punishable by using the talion principle in accordance with the Hammurapi laws .

It can be said that how socially dangerous perjury is in this period is also known from the penalties imposed on this crime. That is, according to him "a witness cannot testify on any crime or guilt. The case must be considered by two or three witnesses . Judges must investigate well, and if the witness has perjured, i.e. he falsely accused his relative, he must do to him what he wants to do to his carindo, the purpose of which is to lose evil from society . Let the rest hear and see this, and let such evil be done in society for another time! And let your eyes (that is, your heart) do not regret — life to life, eyes to the eye, teeth to the tooth, hands to the hand, feet to the feet".

In ancient Roman law, perjury (*falsum testimonium*) was also considered a serious crime, and it can be seen that strict measures were prescribed for its prevention and punishment. In particular, during the reign of Emperor Trajan (R .98-117 ad), the execution of men on the false information of the charioteers was stopped. In Roman law, the crime of perjury existed as early as the time of schedule XII law. Later, from the time of Sully, a complete system was formed on the subject, and Cornelius's law treated false testimony as a falsification in court documents, and imposed severe punishment on it – "aquae et ignis interdictio"–. During this period, the trial was of a private (*delictum privatum*) or public (*delicta publica*) nature. In a private-nature process, the charge arose from personal offences, and the case began as a private charge by the affected party.

In this case, the plaintiff himself conducted research, collected evidence and sought witnesses Private procedure was based on competition between the parties, who had equal rights in presenting evidence to the court (table V laws, Article 5). The testimonies were considered the

main evidence in the case, and the task of securing them was assigned to the party who sued in court . If violations were committed in the interests of Roman society, or risking the order of society, the process was of a state nature.

These types of offenses included state treason, strong opposition to authority, crimes against Person, property, and morals, as well as violations of sacred laws (e.g. murder, arson, sexual misconduct, perjury, concealment of birth). In the long-standing statehood on the territory of our country, sources of Islamic law have served as an important legal basis.

In Islamic law (Sharia), the crime of perjury (Shahadat uz-zur) is seen as one of the grave sins. It is meant to harm others or to undermine justice by making a statement that is practically untrue. The Qur'an and Hadith strongly condemn perjury and have serious warnings about its consequences. The Quran defines perjury in Karim as injustice and tyranny – "do not approach perjury and do not testify unfairly."(Quran, Surah An'am, verse 152); " Allah has forbidden the lie."(Quran, Surah Bacara, verse 283). The Quran Karim has 20 verses on the court, trial, testimony and related issues . It must be said that in Islamic law, special attention is paid to testimony. Burhoniddin says that in order for a Marghinani man to be a judge, he must concentrate on the conditions of his testimony and the capacity to perform Ijtihad . The judgment of the stake comes from the judgment of the witness. Adjectives conditional on testimony are also conditional on adjectives. Qazi must be a Muslim, free, healthy and adult, and not be accused of slander.

Testimony is primary because Qazi acts based on instructions given by others. Why is a lot of attention paid to the issues of testimony in Islamic law? The conditions of testimony in Islam are well developed. Giving testimonies is a hypothesis, that is, one of the obligations of a Muslim. Therefore, it is impossible to knowingly yoke from him. For this comes a lot of evidence in the Qur'an Karim and Hadith Sharif. A Muslim must reveal the truth even if it is contrary to his own favor. In the "testimonial chapter" of the Fiqh books, men are separated into those whose testimony is acceptable and those whose testimony is unacceptable.

Those who leave religious prayers for no reason, accused of slander, those who practice crying and singing in mourning ceremonies (goers), those who are used to forbidden drinking, adultery, bribery, bird hunters, people who have previously committed merciless crimes, usurers and gamblers, arrogant and liars, were also unlikely to witness. Such people are called Wicked. It was considered inappropriate for a Muslim to bear the name.

Later, the first law against the violation of the terms by which witnesses working in Europe swear to tell the truth was passed in Medieval England. This Act, passed in 1563, provided for fines and imprisonment as punishment. If the false witness did not have the opportunity to pay the fine, he was taken to the public place of the city and stabbed in the ears in the column of dishonor . In the 18th century, a theory regarding the violation of the right to know the truth (Recht auf Wahrheit) related to perjury was put forward, but this theory was later replaced by the theory of protecting the trust of society (öffentliche Treue und Glauben).

From the above, it can be concluded that perjury was considered a socially dangerous act at almost every stage of human history, and the danger of certain crimes in this category to society

is that, through them, evidence is artificially created to criminalize a person who is revealed to be innocent, and in the presence of false evidence, it led to a wrongful judgment by courts.

References

1. B.I.Ismailov, I.I.Nasriev issues of improving the effectiveness of departmental measures to combat corruption//educational and methodological manual.- T.: Academy of the prosecutor general's Office of the Republic of Uzbekistan, Higher School of judges of the Higher Council of judges of the Republic of Uzbekistan. 2020.--B.377.
2. Taxiroy, Farkhad. (2023). Social dangerousness and general description of the crime of perjury. Eurasian Journal of Law, Finance and Applied Sciences. 03. 200-204. 10.37547 / eclfas-v03-i02-p1-32.
3. Bible. Knigi Vethogo I novogo Zaveta. M., 1990. 292 P.
4. Boboev H., Dostzhonov T., Hasanov S. "Avesto" is an invaluable monument of the peoples of the East. T.: TMI, 2004., P.20.
5. Toshpolatov A. Problems of criminal liability for perjury. It is written to obtain the degree of candidate of Legal Sciences diss. - T., 2008. –B.13-14.
6. Frymer-Kensky T. Tit for Tat: the Principle of qual attribution in ear astern and Biblical Law // Biblical rchaeologist, 1980. Vol. 43. P. 230-234.
7. Malamet A. The cultural impact of the West (Syria-Palestine) on Mesopotamia in the Old Babylonian Period // Altorientalische forschungen, 1997 (2). B. 24.
8. Milgrom J. Leviticus 23-27: a new translation with introduction and commentary // The Anchor Bible. .Y., 2000.
9. Raimov A., Raimova N. Briefs on the history of ancient Rome/Justice. Legal, scientific and practical publication. ISSN 2181-8991. 2/2021. Tashkent, 2021. -B.46.
10. Khayriev Nodirjon Israilovich Istoricheskie etapi razvitiya ugolovnogo sudoproizvodstva v Drevnem Rime // Journal zarubejnogo zakonodatelstva I sravnitel'nogo pravovedeniya. 2016. №2 (57). URL: <https://cyberleninka.ru/article/n/istoricheskie-etapy-razvitiya-ugolovnogo-sudoproizvodstva-v-drevnem-rime>
11. Chrestomatia po istorii drevnego Rima: Ucheb. posobie dlya vozav / sost. I. A. Gvozdeva, I. L. Mayak, A. L. Smishlyaev I dr.; pod Red. V. I. Kuzitshina. M., 1987. S. 178.
12. Medvedev V. G. Ugolovny sud I prosess v Drevnem Rime v archaichesky period / / Obtshestvo I pravo. 2010. № 3
13. Sheikh Abdulaziz Mansur: Quran Karim: translation and interpretation of its meanings. - T., 2021. –B.33.
14. Josjani A.Sh., Islamic jurisprudence, Hanafi sect and Central Asian Faqih. - T.: Tashkent Islamic University, 2002. B. 65.
15. Dometeev V. Otvetstvennost za zavedomo lojnie pokazania svideteley // zakonnost. 2006. № 6. S. 38-40