

The Concept, Historical Development, Purpose, And Functions of Civil Liability for Damage Caused by Investigative Authorities

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Abstract

This article provides a comprehensive legal and scholarly analysis of the formation and evolution of the institution of state liability for damage caused by unlawful acts of public authorities, with particular emphasis on investigative bodies. The study examines the place of tort liability within the system of civil law and reveals its theoretical and practical significance as a mechanism for the protection of violated rights. A comparative legal analysis is conducted with reference to the legal systems of the United Kingdom, France, Germany, and Russia, focusing on the historical development of non-contractual liability of the state. Special attention is paid to the legal foundations governing compensation for damage caused by public authorities in the territory of Uzbekistan from the medieval period to the present day. The article analyzes constitutional and civil law guarantees of state compensation under the current legislation of the Republic of Uzbekistan and substantiates the special conditions for imposing such liability. The study aims to demonstrate the crucial role of state liability in restoring violated rights and lawful interests of individuals and legal entities.

Keywords: Tort liability, liability of public authorities, compensation for damage, investigative bodies, civil liability, comparative legal analysis.

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1. Introduction

Research devoted to problematic aspects of tort obligations is relevant not only from a theoretical perspective but also in practical terms. This is due to the fact that norms establishing liability for violations of legal requirements play a fundamental role in regulating social relations. As legal scholars have rightly noted, alongside property rights, civil liability constitutes one of the core pillars upon which the system of civil law is built.

Tort liability, as a distinct form of civil liability, represents an effective legal mechanism aimed at compensating damage caused by unlawful acts of

individuals and organizations. The right to compensation for damage is enshrined in the Constitution of the Republic of Uzbekistan and further regulated by civil legislation, serving as an essential guarantee for the restoration of justice in cases where rights and freedoms have been violated.

The issue of damage caused to natural or legal persons by the state, particularly by investigative authorities, has undergone a complex historical evolution. The improvement of the institution of liability for unlawful exercise of public power requires a thorough examination of its historical origins as well as its social and legal foundations. Understanding this process involves identifying the historical, social, and legal

conditions that contributed to the emergence of state liability. Historical analysis makes it possible to determine the role of this institution in society, its significance within the legal system, and the prospective directions of its further development.

The institution of liability for unlawful acts committed by investigative authorities developed gradually under the influence of social, economic, political, legal, and cultural factors. In the early stages of state development, public authorities and their officials were almost universally exempt from liability for damage. Over time, however, driven by principles of social justice and the rule of law, the concept of non-contractual liability of the state was recognized and formally закрепed in legislation.

At the same time, the legislative expression of this institution varies significantly across different legal systems. In some jurisdictions, state liability is defined broadly, while in others it is characterized by substantial limitations. In this regard, the experiences of the United Kingdom, France, and Germany are of particular relevance. In the United Kingdom, the state's non-contractual liability initially developed on the basis of common law principles. In France, the foundations of state liability were established relatively early, particularly during the Napoleonic era. In Germany, liability for the actions of public officials was systematically developed through statutory regulation.

In the United Kingdom, the liability of the state treasury for damage is generally extensive, and the Crown may be held liable for harm caused by its servants in the course of performing official duties. At the same time, the personal liability of the official is preserved, and after compensation has been paid by the state, a right of recourse against the responsible official may be exercised.

In the German legal system, the liability of judges and public officials was historically limited. Pursuant to Article 34 of the Basic Law of the Federal Republic of Germany, liability for damage caused in the exercise of public authority generally rests with the state. However, in cases of intentional misconduct or gross negligence, the state retains the right to bring a recourse claim against the official concerned.

In Russia, the institution of liability for damage caused by state authorities emerged significantly later than in many European countries. Only from the second half of

the eighteenth century did the state treasury begin to be recognized as a participant in civil proceedings in certain cases. As noted by N. I. Lazarevsky, administrative, judicial, and investigative functions were often intertwined to such an extent that this phenomenon was observed both in local authorities and within the central administrative system.

In the territory of present-day Uzbekistan, state governance during the medieval period was primarily based on Islamic law (Sharia) and customary norms. Damage caused by errors of officials was often compensated on the basis of moral and religious considerations rather than formal legal rules. Such compensation was not institutionalized as a legal mechanism but depended largely on discretionary decisions of rulers in the name of justice.

During the period of the Turkestan Governor-Generalship in the late nineteenth and early twentieth centuries, although the legislation of the Russian Empire was formally in force, the practice of state compensation for damage remained extremely limited. In many cases, harm caused to innocent persons was left without effective legal protection.

Only in the early Soviet period did compensation for damage caused by state authorities begin to acquire a legal basis. In independent Uzbekistan, the primacy of human rights over state interests has been constitutionally affirmed. In particular, Articles 29 and 54 of the Constitution of the Republic of Uzbekistan, as well as Articles 990–991 of the Civil Code, establish that damage caused by unlawful acts or omissions of state bodies or officials must be compensated by the state.

2. Conclusion

In conclusion, liability for damage caused by public authorities constitutes a special type of civil liability characterized by the fact that harm arises in the course of exercising public powers by subjects vested with state authority. This form of liability serves as an essential legal guarantee for restoring violated rights and lawful interests of individuals and legal entities.

As noted by the Russian scholar V. A. Patyulin, the right of citizens to demand strict and precise compliance with the Constitution, laws, and subordinate legal acts by the state and its bodies stems from society's need to ensure normal conditions for social life and constitutes a fundamental prerequisite for legal order. In this sense, the

right of citizens to require state authorities to comply with the law plays a decisive role in maintaining social stability and the rule of law.

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