

LEGAL SYSTEM, CONTRACTUAL RELATIONS IN ANCIENT ROME

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Abstract: *“Roman law forms the basis of all modern civil science, and on this basis forms the basis of the general theory of civil law.” Undoubtedly, this is related to the simplicity of the regulation of social relations achieved by the Romans during the development of their civilization. In ancient Rome, there are sources of regulation of contractual relations, which are similar to modern relations. This article deals with social life and the legal system and contractual sources in Ancient Rome.*

Key words: *Plebeians, clients, patricians, Roman-Germanic, Anglo-Saxon, Gregorian codex, Hermogenian codex, Gay Institute, stipulation.*

(Introduction)

The ancient Roman state is considered the most powerful and great state of its time. In the ancient Roman state, the rights of citizens were regulated through the sources of Roman law. If we dwell on the history of the state, in the 1st century BC and the 2nd century AD, the Roman slaves conquered the whole of North Africa, a large part of Europe and the countries of Ancient Asia, and became a huge state that ruled for almost 500 years. . The Roman Republic was one of the powerful states in Italy.

Haydarali Muhammedov stated that it is appropriate to study the history of the Ancient Roman state in three periods.

- The destruction of the primitive community system and the establishment of the slave state.
- Roman Republic period. (includes 509-27 BC.
- Monarchy era. (From 27 BC to 467 AD)

Finally, the Roman slave state came to an end in 476. The inhabitants of ancient Rome were engaged in animal husbandry and agriculture. It was the development of these industries that created private property and stratification in Ancient Rome. Those who immigrated to the state when favorable conditions were called plebeians, and many conflict situations arose between the freed slaves - clients and the patricians, who were considered local residents. “At the top of the Roman community stood the rex (rex - king) elected by the senate.” So, it can be emphasized that the population was able to easily discuss their problems at meetings, and this is also a sign of countries where rights are ensured.

The following comparative table highlights the different aspects of the social system in Rome during the Republic and Empire (monarchy) rule.

So, the era of the rule of the Roman republic and the era of the monarchy are completely different from each other. The existence of slavery in the form of republican rule

and its further escalation during the period of monarchical rule can lead to the conclusion that human rights are not sufficiently provided. there will be a chance.

According to A. Chroust, the inhabitants of the Western countries witnessed the growth of two legal systems during the long history. These are Romano-Germanic and Anglo-Saxon systems. The contribution of Roman jurists to the development and progress of the Roman-Germanic legal system was enormous. For this reason, even the inhabitants of the ancient Roman state were taught legal sciences. In the regulation of the legal life of the Roman state, Roman law is created, which covers various relations. As noted above, as a result of the development of private ownership and the formation of various class groups, it is natural that legal problems related to these issues arise. In this situation, the laying of the foundation stone of the legal system will be one of the most important events. At first, norms regulating civil relations appeared in Rome. In fact, all actions that have arisen, even actions related to criminal elements, were initially regulated by civil legal norms, and the basis and ground for the development of civil law was created. "On the basis of the slave system, in the Roman slave society, the great Roman civil law was created, which was divided into two parts, that is, public and private rights. The famous historian of ancient Rome, Titus Livy (1st century) gave a true definition to the written law of the "XII Table" which was derived from the existing norms of custom in Rome, as a source of both public and private law.

The laws of the XII Schedule contained customary law, adopted as a result of plebeian protests against the patricians, and dealt with a wide range of issues. As one of the sources of early Roman written law, the laws of the XII Schedule were particularly focused on family relations, namely the institution of family and marriage and patriarchy.

There are also documents of imperial authority, including edicts, rescripts, decrees, and mandates. Also, as sources of subclassical law, the Gregorian Code, Hermogenian Code, Justinian's unified set of laws can be cited as an example. So, Rome had a collection of sources of law sufficient for the conditions of the ancient times. There were legal norms corresponding to the legal life of that time, and customary law was also highly developed. It can be observed that the Roman law and its sources motivated the emergence of trends that are the basis of the legal system of some countries today. When there is a problematic situation related to the contractual agreement concluded between the working group and the employer and its violation, for example, a situation may arise when the employer refuses to pay the specified amount according to the contract after the completion of the work with the workers. In this case, a solution can be found by providing information about the contractual conditions of Rome. A contract is an official document signed between two or more parties. Regarding contracts, the laws of the XII table repeat the rules "It is necessary to fulfill the contract, if you have promised, fulfill it". A person who did not fulfill his obligations under the contract had to pay a double fine. According to H. Muhammedov, he notes that there are the following 4 types of contracts in the Gay Institutions in Rome.

- Verbal contracts (contracts in words) - have their initial basis from oaths.
- Literal contracts (Latin *littera* means letter) - contracts in a special written form.

- Real contracts (Latin res-things) - in addition to the agreement of the parties on the terms, require the transfer of the object that is the subject of the contract.
- Workforce rental agreement, part of consular contracts
- (location-conductio oper arum) - concluded for a certain period and for a fixed fee, but this contract was not developed in the conditions of the slavery system, where slaves were the main labor force.

One of the forms of employment contract is the contract. According to it, one party is the contractor, and the other party is the customer. Under the order of the customer, he undertakes to perform certain work and deliver it to the customer within the specified period, and the customer undertakes to accept the work and pay him a fee.

Although the party performing the work performed its duty, but not in the territory agreed in the contract, the customer cheated on them by forgery and upon accepting the work, he should have given the agreed amount to the contractors. But if individuals use the lack of formalization of the contract with the intention of extorting money for their own interests, then the question arises in this part, under what conditions is the contract considered formalized? Therefore, according to the Roman law, with the consent of both parties, if the subject of the obligations and they sign in writing or "stipulation", that is, it must be made in oral form. "In Rome, the performance of obligations is protected by the filing of a claim by the claimant, therefore, the obligation is legally enforceable only if it is legally secured by a corresponding form of claim. "But there are two exceptions:

- formalization of an informal obligation through a contract;
- withdrawing from the official position, paying the debt or performing other obligations in a way not specified in the contract (if both parties agree to this). As a result of such actions, it is considered that the requirements of the contract have been fulfilled, and it has passed into a civil status." With the consent of both parties, the workers have resigned from the official position and fulfilled their obligations.

(Results and Conclusions)

So, the workers have legally fulfilled their obligations, that is, building a house. Therefore, the second party, that is, the employer, must also pay the specified amount. Similar issues related to the contract can be found in the four books of Guy's Institutions on persons, things, obligations, and claims.

In conclusion, I can say that Roman law was defined perfectly enough for its time. Cases of simple fraud in contractual relations are not overlooked.

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Terms

Kolonat - land renters, economically dependent and attached to the land.

Peculiy is the property of the master that he entrusted to his slaves to manage the farm.