

## HISTORY OF THE CONSTITUTION: STAGES OF THE FORMATION OF CONSTITUTIONS IN COUNTRIES AROUND THE WORLD

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**Abstract.** A constitution is the fundamental law of any state, defining its political, legal, and social structure. Constitutions determine the organization of state power and guarantee the fundamental rights and freedoms of citizens. Their formation represents one of the most important stages in the history of each country. This article examines the historical stages of the development of constitutions in countries around the world. It highlights the evolution from early constitutional ideas in ancient times to modern systems of written and unwritten constitutions. The content, form, and legal significance of constitutions are analyzed. The research findings reveal the impact of constitutional development on state-building and civil society. This article may be useful for law students and scholars in strengthening their theoretical knowledge.

**Keywords:** Constitution, state structure, human rights, constitutional law, civil society.

**Introduction.** The term constitution (from the Latin “*constitutio*” meaning “establishment” or “determination”) refers to the supreme fundamental law of a state[1; P. 97]. It defines the structure of the state, the system of government bodies, their powers and procedures of formation, the electoral system, the rights and freedoms of citizens, as well as the judicial system, advocacy, and prosecutorial institutions. The constitution serves as the foundation for all current legislation.

The study of constitutional ideas and the history of state structures is one of the most significant and complex issues in human history. However, this process began not only within modern legal theories but also in the political and legal systems of ancient civilizations. In particular, ideas about governance and the supremacy of law developed during the era of Roman Republic had a profound influence on the development of modern constitutional systems. The legal system of Rome, the authority of the Senate, and mechanisms for protecting the freedoms of the people were later reflected in the political thought and constitutional documents of many European states. Therefore, this article analyzes the historical development of constitutional ideas, particularly the transformations from the period of Ancient Rome to the era of classical constitutions. The study examines concepts such as natural rights theory, the social contract, and the separation of powers, which were initially formed during the period of the Roman Republic and later found expression in constitutional documents of the 17th–18th centuries[2. P. 74].

The main objective of the article is to explore how constitutional ideas evolved from ancient times to the classical period and to determine how these ideas have shaped modern constitutional systems. Additionally, the study analyzes scholarly perspectives on key principles such as natural rights, the separation of powers, and popular sovereignty.

The relevance of this research lies in the need to better understand the fundamental principles that continue to exist in many modern constitutions. The article also contributes to a deeper comprehension of the development of constitutional documents and their role in both national and international law.

The earliest forms of constitutionalism began to emerge in Ancient Rome. Roman writers described the formation of constitutional elements as a gradual process associated with the end of monarchy, the establishment of the republic, and step-by-step constitutional transformations. During this period, the political mechanism of the Roman state underwent a long and complex process of development and adaptation. It is therefore possible to consider this era as the initial stage of constitutional formation.

One of the most significant developments of this period was the gradual transfer of political power from the patricians (the aristocratic clans of Rome) to the plebeians (the common free citizens of Rome). However, this shift did not fully produce the expected outcomes. Over time, the system began to prioritize the interests of the plebeians rather than those of the traditional patrician elite, leading to a transformation in the structure of power. As a result, the old patrician aristocracy was gradually replaced by a new class of wealthy and influential plebeians.

By the mid-3rd century, the Roman constitutional system had developed into three main components: magistrates (*magistratus*), the Senate (*senatus*), and popular assemblies (*comitia*)[3. P.12]. Magistrates represented the executive authority. Their duties were clearly defined, and their powers were limited by two essential constitutional principles: temporality and collegiality. Temporality meant that magistrates served for one year, while collegiality implied equality among magistrates and the sharing of authority.

The Senate functioned as the highest council of the state and the most important stabilizing institution within the republican system. Decisions adopted by the popular assemblies gained official legal force only after approval by the Senate. For this reason, the Senate held a distinct and influential position compared to other governing bodies.

The popular assemblies exercised legislative power. Decisions were adopted through voting and then submitted to the Senate for confirmation. These assemblies mainly consisted of representatives of the common people, although participation was limited to men. This structure demonstrates that, even at that time, elements of the separation of powers were already present in the constitutional system of Roman Republic.

Constitutions resembling their modern form began to emerge in the late 18th and early 19th centuries. These constitutions differed significantly from earlier systems, as new political ideas and legal relationships started to develop. Several major historical events during this period had a direct impact on the evolution of constitutional systems, marking it as the era of classical constitutions.

During the classical period, fundamental transformations occurred in many states around the world:

1. Written constitutions were adopted, such as the United States Constitution and the French Constitution of 1791.
2. The principle of separation of powers was established based on the doctrine of Montesquieu.
3. Fundamental human and civil rights began to be formally enshrined in constitutions.
4. Absolute monarchies were limited or abolished, giving way to constitutional monarchies or republican forms of government.

The ideas formed during the era of classical constitutions became the ideological foundation of modern constitutional systems and state structures. The following key doctrines played a central role:

This theory emerged in the 17th century and asserts that human beings possess inherent rights from birth, such as the right to life, liberty, and property. These rights are inalienable and cannot be taken away or restricted by any state or authority. Today, many democratic states rely on this principle.

The United States Declaration of Independence was adopted based on this theory, stating: "*All men are created equal and are endowed with certain unalienable rights, among them life, liberty, and the pursuit of happiness.*"[4. P.62]

The principal founders of this doctrine include John Locke, Thomas Hobbes, and Hugo Grotius.

This theory developed during the 17th–18th centuries and is based on an agreement between the state and its citizens. According to this concept, individuals unite to form a state in order to

ensure their security and protect their rights. In doing so, citizens transfer a portion of their authority to the state, which in turn assumes responsibility for safeguarding their rights and interests.

If the state violates this agreement, the people have the right to overthrow it. This theory creates broad opportunities for citizens, ensuring that their rights and interests remain a priority within society.

The key proponents of this theory include Jean-Jacques Rousseau, Thomas Hobbes, and John Locke.

The French Constitution of 1791 limited the power of the monarch and introduced a system in which representatives of the people participated through parliament. It emerged as a direct outcome of the French Revolution—a period of profound political and social transformation in France[5. P.42].

The revolution began in 1789 with the convocation of the Estates-General and concluded in 1799 with the establishment of the Consulate. Its core ideas later became fundamental principles of liberal democracy. The causes of the revolution are typically attributed to a combination of social, political, and economic crises that the Ancien Régime was unable to resolve.

In May 1789, widespread unrest led to the convening of the Estates-General, which in June transformed into the National Assembly. Continued instability culminated in the storming of the Bastille on July 14. In response, the Assembly introduced radical reforms, including the abolition of feudalism, the establishment of state control over the Catholic Church, and the expansion of suffrage.

The French Revolution played a decisive role in shaping democratic principles, popular sovereignty, and the rule of law. Following the revolution, France adopted its first constitution in 1791, laying the institutional foundations of constitutional governance. During this period, the constitution became not only the supreme legal document of the state but also a mechanism for guaranteeing the rights and freedoms of the people.

In 1787, the United States Constitution was adopted. This document served not only as the foundational legal framework of the newly established state but also as a model for building democratic institutions. The adoption of the Constitution, along with its subsequent amendments—particularly the United States Bill of Rights—became a source of inspiration for many other countries in developing their own constitutional systems.

The Glorious Revolution marked a turning point in limiting royal authority and strengthening parliamentary power. As a result, the role of representative institutions increased, and the foundations of constitutional monarchy were firmly established. This event significantly contributed to the development of constitutionalism by reinforcing the supremacy of law and parliament over the monarchy. The theory of the separation of powers was articulated in the 18th century in the work *“The Spirit of Laws”* by Montesquieu[10. P.324]. The central idea of this work is that, in order to prevent abuse of power, state authority must be divided into three branches:

1. Legislative power (parliament)
2. Executive power (government)
3. Judicial power (independent courts)

This theory demonstrated the necessity of dividing power within the state. According to Montesquieu, if all powers are concentrated in the hands of a single individual or group, it inevitably leads to tyranny. Therefore, the doctrine was advanced as a means of limiting absolute rule and establishing a lawful state based on checks and balances.

A clear practical example of this principle can be seen in the United States Constitution. This constitution fully embodies Montesquieu’s ideas and represents one of the most successful

implementations of the separation of powers. It legally establishes the independence of each branch of government and ensures a system of mutual checks and balances among them.

Adopted in 1787, the U.S. Constitution not only became the foundational legal document of a new state but also served as a model for democratic governance worldwide. Its subsequent amendments, particularly the United States Bill of Rights, further strengthened the protection of individual rights and freedoms, inspiring many other nations in the development of their constitutional systems.

**Results and Discussion.** The analysis conducted shows that the period of the 17th–18th centuries, often referred to as the era of classical constitutions, marked a turning point in the development of political-legal thought and state organization. The theories formed during this period were reflected not only in abstract doctrine but also in practical legal documents, which today constitute the foundation of modern constitutional systems. In particular, the theory of natural rights, the idea of the social contract, the principle of separation of powers, and the emergence of early constitutions represent the key historical achievements of this era.

The study further reveals that the theory of natural rights was developed by thinkers such as John Locke, Hugo Grotius, and Thomas Hobbes, and is based on the idea that human rights are inherent from birth. These ideas were later embodied in real constitutional documents. For instance, the English Bill of Rights is considered one of the earliest milestones in the development of classical constitutional thought. It recognized the supremacy of Parliament and established clear limitations on the power of the monarchy, thereby laying the groundwork for constitutional governance. In addition, the Virginia Declaration of Rights further закрепed values such as natural rights, popular sovereignty, and liberty in a legal framework. This declaration later served as a foundation for both the United States Constitution and the Declaration of the Rights of Man and of the Citizen. These documents became the first practical embodiments of classical constitutional ideas and played a decisive role in shaping constitutional governance.

The theory of the social contract also developed significantly during this period. It was advanced by thinkers such as Jean-Jacques Rousseau, John Locke, and Thomas Hobbes. According to this theory, the state is created through an agreement among people to ensure the protection of their rights. Rousseau, in particular, emphasized the principle of popular sovereignty, which became a central element of the 1789 French Declaration. The theory of separation of powers developed by Montesquieu introduced a fundamentally new approach to constitutional organization. According to this doctrine, legislative, executive, and judicial powers must function independently. This principle was clearly articulated and implemented in the United States Constitution: Congress exercises legislative power, the President holds executive authority, and the Supreme Court represents the judiciary. Their interaction is based on the system of checks and balances.

The discussion demonstrates that these classical theories and the early constitutions reflecting them later became the theoretical foundation for many constitutions adopted in Europe and other regions. In particular, constitutions formed in the 19th–20th centuries in countries such as Germany, Italy, Japan, India, and states of Latin America clearly reflect the influence of classical constitutional ideas and models.

Modern principles of the rule-of-law state and democratic governance—such as human rights, the supremacy of law, and the separation of powers—were first systematically established in these early constitutional frameworks. Furthermore, many contemporary international legal instruments, including the Universal Declaration of Human Rights and the European Convention on Human Rights, are also grounded in the theoretical legacy of the classical constitutional era.

**Conclusion.** This article has examined the historical development of constitutional thought, from the period of Ancient Rome to the era of classical constitutions. The political system of the

Roman Republic—particularly its principles of the rule of law, assemblies, and mechanisms for limiting power—played a crucial role as the initial foundation of modern constitutional thinking. Legal norms and early concepts of parliamentarism that emerged during this period were later refined in European political thought and widely applied in international law. During the classical constitutional era, key theories such as natural rights, the social contract, the separation of powers, and popular sovereignty developed significantly in the 17th–18th centuries and were implemented through important legal documents. Thinkers such as John Locke, Jean-Jacques Rousseau, Thomas Hobbes, and Montesquieu advanced ideas concerning state structure, human rights, the distribution of power, and the sovereignty of the people. These ideas were reflected in foundational constitutional documents such as the English Bill of Rights, the United States Constitution, and the Declaration of the Rights of Man and of the Citizen.

The findings of the study demonstrate that the political system formed in Ancient Rome and the theories developed during the classical constitutional period evolved in close interconnection, creating the essential theoretical foundation for modern rule-of-law states. At the same time, the constitutions of this era promoted key principles such as limiting state power, protecting citizens' rights, and governing based on the supremacy of law.

Future research may focus on how constitutional ideas and practices have been adapted within specific national contexts and how they can be further utilized in shaping contemporary political systems. Such studies would contribute not only to historical analysis but also to the advancement of practical legal scholarship.

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