



The Establishment Of The Supreme Court Of Uzbek Ssr And Its Role In The Development Of Society

Topildiyeva Muyassar Rakhimdjanoyna

Lecturer Of National University Of Uzbekistan Named After Mirzo Ulugbek, Tashkent, Uzbekistan

Journal Website:
<http://usajournalshub.com/index.php/tajpslc>

Copyright: Original content from this work may be used under the terms of the creative commons attributes 4.0 licence.

ABSTRACT

The establishment of the Supreme Court of Uzbekistan took place during the Soviet era and was the product of a new judicial system. The judicial system changed such a lot during the 1930s and 1934s. Judicial proceedings of the Supreme Court began to move beyond its jurisdiction. This article analyzes the creation and functioning of the Supreme Court in the Uzbek SSR on the basis of primary archival documents. The role, structure and powers of the Supreme Court are also considered.

KEYWORDS

State, republic, government, system, control, document, law, decision, decree, cassation, right, specialist, code, district, instance, plenum, justice, the prosecutor.

INTRODUCTION

Having reached independence, Uzbekistan is intending for the aim of building a state in where civil society and legal democratic law are superior. Our sovereignty has given a chance to wake up our spirituality. Our country's history and historical culture is being restored and now has a reputation of high value.

As the President of the Republic of Uzbekistan, Shavkat Mirziyoyev Miromonovich. stated in his Address to the Parliament on December 28, 2018: "Recently large-scale reforms are being carried out in the fields of ensuring the rule of law and improving the judiciary. These changes are aimed at ensuring human rights and

freedoms and access to justice, improving the work of law enforcement agencies”.

To date, there is not a single sentence in the existing textbooks, especially on the ones about the history of Uzbekistan on the formation and activities of the Supreme Court in the Republic of Uzbekistan. No research has been conducted on the history of the Supreme Court of the Republic of Uzbekistan.

The relevance of this topic is primarily emphasized by the successful solution of judicial reform today and the formation of a new legal culture, largely to overcome the negative impact of the Soviet position. One of the important tasks of the historical science of our country is the objective assessment of the judiciary policy in the Soviet era, the study of its goals and objectives.

METHODS

Issues such as the judicial system in the Uzbek SSR during the Soviet era, their participation in the social, economic and political processes in the republic were reflected in a number of works and articles by Uzbek scholars such as Sh.Ishanova (1992), M.Abdusalomov (1996), S.Djabborov (1996), D.Kamolov (2008) and so on.

RESULTS AND DISCUSSIONS

By the decision of the Central Executive Committee of the Uzbek SSR in December 13, 1924, the Supreme Court of the Uzbek SSR was organized and replaced the Turkestan ASSR branch of the Supreme Court of the RSFSR. This day remained as the day when first and true Supreme Court and judicial bodies were organized in the history of our state. Its difference with the former court was that the latter was endowed with its own independent functions.

The Supreme Court of the Uzbek SSR united all lower judicial bodies into a single system and began to control over the courts and military tribunals. The Revolutionary Committee (RevCom) was in charge of the organizational work of the Supreme Court [1]. The Revolutionary Committee, the first acting body, approves the composition of the Supreme Court. According to it, A.H.SHarofutdinov was appointed as the Chairman of the Supreme Court, I.Chudayev as the First Deputy, B.SHaripov as the Second Deputy, Saidahmetov, Rivyanovskiy, Upelkin and others as members. [2].

Although the Supreme Court was established on a separate basis, it did not operate independently from the beginning. More precisely, it was formed under the Central Executive Committee of the Uzbek SSR and was subordinated to it. The verdicts were related to the opinion of the Presidium of the Central Executive Committee of the Uzbek SSR. For example, in 1925, the Central Executive Committee of the Uzbek SSR sanctioned 52 convictions for the death penalty, and 5 similar sentences of the Supreme Court were commuted to 10 years' imprisonment. [3]. During this period, some systems within the Supreme Court ensured that control over it was strictly enforced. A similar task was performed by the Prosecutor of the Supreme Court. It was established in 1925 under the Supreme Court of the Uzbek SSR. Its assignments were observing law by the Supreme Court and its jury in criminal and civil cases, and the correct implementation of the penal policy by the Presidium of the Central Executive Committee of the Uzbek SSR. National territorial delimitation in Central Asia affected national, administrative, political and economic issues. In particular, the Tajik ASSR was formed within Uzbekistan, and in many respects its activities were associated with Uzbekistan. The judicial system was no

exception. The above issue was considered on May 23, 1925, at a meeting of the Presidium of the Central Executive Committee of the Uzbek SSR. At the meeting, A.Sharafutdinov, the Chairman of the Supreme Court of Uzbekistan USSR, addressed a speech and put forward the idea of organizing not to divide the Uzbek SSR Supreme Court given the proximity of administrative, economic and national-cultural relationships with Tajikistan, its distance from the capital of Uzbekistan, difficulty of postal and communication services and, most importantly, the development of armed movements against Soviet power in the area. [4].

Furthermore, The issue of approving the chairman of the Tajik branch of the Supreme Court and his deputy was also considered at the meeting. M.Yuldashev was approved as the chairman of the department, G.Meilikhovich as the deputy.

In 1924 a new constitution of the USSR was adopted. This can be attributed to various changes in the Soviet state. As a result, there were also changes in judicial legislation. The Law "On the Establishment of Courts in the USSR and Soviet Republics" was issued in the same year. On this basis, the Central Executive Committee of the Uzbek SSR developed the law "On the organization of courts in the Uzbek SSR" on September 29, 1926. This law came into force on February 15, 1927. [5]. The development of this law was a special event in our judicial system. Although this law was based on laws produced by the "center", it was a separate law on the judicial system of the Uzbek SSR. This law specifically referred to the Supreme Court; its function and structure were clearly defined. Its significance was that it was also noted that the courts of the Tajik ASSR could operate equally in Uzbekistan.

In 1930, division of districts was carried out in the republic. As a result, the okrugs were abolished.[6]. Only two courts remained in Uzbekistan:

- 1) People's Courts
- 2) Supreme Court

In the 1930s, a number of changes began to take place in public life and politics as well. On July 24, 1929, a new decision was made on the Supreme Court of the USSR and the Prosecutor's Office of the Supreme Court of the USSR. [7] In July 1929, the Uzbek People's Commissariat of Justice of the USSR developed a new Code of Criminal Procedure. This code differed from the 1926 CPC in that it was customized. It combined the investigation and interrogation. The investigative bodies under the Supreme Court and other judicial bodies were transferred to the prosecutor's office. The investigator was also provided with some oversight functions of the prosecutor. The observation or denial of a criminal case in the CPC, on the other hand, led to violations of the law and the onset of repression. [8].

On July 20, 1931, a new version of the Law "on the Organization of Courts" was adopted. [9]. This was connected with changes such as separation of the Tajik ASSR from Uzbekistan in 1929, becoming an allied Soviet republic, termination of Okrug Courts, increasing the influence of People's Courts, and transfer of investigative bodies of the Supreme Court and other lower courts to the prosecutor's office. Although a new law was passed, Okrug Courts were reinstated in some lower courts. That is, taking into account the remoteness of Khorezm from the state center and the difficult conditions, the Central Executive Committee of the Uzbek SSR in 1931 decided to establish the Khorezm okrug. Later, the Kashkadarya and Surkhandarya okrugs and Okrug Courts followed suit. [10]. On January 30, 1931, the

People's Commissariat of Justice of the Uzbek SSR issued an instruction to the Republican Courts “On measures to protect the rights of working women”. [11]. It called for clear and decisive action against those who treat women in the old way.

The cases under the jurisdiction of the Supreme Court of the Uzbek SSR included:

- Providing manual interpretation of the law to all judicial authorities of the Uzbek SSR and the Tajik SSR;
- Review of judgments and decisions of the Supreme Court, judicial boards or people's courts, their annulment or modification in accordance with the laws of the Union and the Republic;
- Consideration of cassation appeals and protests against decisions and judgments of Okrug Courts or People's Courts, as well as private appeals against decisions and judgments of these courts as a cassation instance;
- Consideration of criminal and civil cases submitted by the Presidium of the Central Executive Committee of the Uzbek SSR, the Plenum of the Supreme Court, the Prosecutor of the Republic or the Chairman of the State Political Department as the court of first instance in accordance with the relevant articles of the Criminal Procedure and Civil Procedure Codes.

The verdict of the regional courts of the Tajik SSR, the decisions and rulings of the Supreme Court of the Uzbek SSR could be appealed to the Central Executive Committee of the Uzbek SSR by the Republican Prosecutor and the Central Executive Committee of Tajikistan. This power remained with the Republic, when the Tajik ASSR seceded from Uzbekistan in 1929.

The Plenum of the Supreme Court governed the following:

- Editing the law on issues referred by the Presidium of the Supreme Court, the Prosecutor of the Republic or the Prosecutor of the Supreme Court on issues specified by the separate panel of the Supreme Court or the Presidium of the Supreme Court;
- Consideration and approval of judgments, decisions and rulings of the Supreme Court and People's Courts on the decisions of the Central Executive Committee of the Uzbek SSR or on the protests of the Chairman of the Supreme Court, his deputy, the Prosecutor of the Republic or the Prosecutor of the Supreme Court;
- Approval of the agenda of the Presidium of the Supreme Court.

It was mandatory for all judicial institutions within the Uzbek SSR. The Presidium of the Supreme Court is the part of the Supreme Court dealing with organizational matters. The Presidium is composed of the Chairman of the Supreme Court, his deputy, and the chairmen of the criminal and civil courts. The Presidium was in charge of the followings:

- Supervision of the Supreme Court activities;
- Convening meetings of the Presidium and Plenum of the Supreme Court, compiling agendas for these meetings and preparing materials for them;
- Appointment of mobile sessions of the Supreme Court and determination of their places of work;
- Preparation of a report on the activities of the Supreme Court and its submission for approval to the Presidium of the Central Executive Committee of the Uzbek SSR;

- Direct management of the administrative and economic apparatus of the Supreme Court;
- Raising all matters not relevant to the work of the Supreme Court as appropriate at the People's Commissariat of Justice and the Plenum of the Supreme Court.

The Cassation Board of the Supreme Court on Criminal and Civil Case, whose Chairman was the Deputy Chairman of the Supreme Court, performed one of its main functions, and acted under the direct supervision of the Chairman of the Supreme Court. The Judicial Council of the Court of Cassation was composed of two members, presiding over the members of the Supreme Court. In some cases, by a special decision of the Presidium of the Central Executive Committee of the Uzbek SSR, on the recommendation of the Chairman of the Supreme Court, people's judges who did not participate in the examination of cases in the cassation board could be included. [12].

The task of the Cassation Board was to look through and review the judgments and decisions of the courts. The case of the Court of Cassation differed from the case of the Court in that it continued uninterruptedly. The reason for this was, on the one hand, the cassation proceedings, and, on the other hand, the protests of the Republican Prosecutor or the supervisory appeal of the Supreme Court. [13]. The Disciplinary Board consisted of three members of the Supreme Court, whose members were elected by the Plenum of the Supreme Court. The powers of the disciplinary board included:

- Disciplinary action against all members of the Supreme Court;
- Disciplinary action;
- Warning;
- Penalty;

- Demotion;
- Suspension for two years from court.

A disciplinary action could be instituted if found guilty within a period not exceeding 3 months. The decision of the Okrug Court could be appealed until it was transferred to the disciplinary board of the Supreme Court. The disciplinary panel had to suspend the case and bring it to trial if there were signs of criminal liability. These were the duties and powers of the disciplinary panel of the Supreme Court. It differs from other delegations in that it is called on a regular basis, not on a regular basis. [14]. In addition to the departments listed above, the Supreme Court had a number of functions. One of them was the position of the Prosecutor of the Supreme Court, which included:

- Supervision of compliance with the law in the consideration of criminal and civil cases by the Supreme Court of Uzbekistan and its commissions;
- Making proposals to the Central Executive Committee of the Uzbek SSR on issues related to the correct implementation of penal policy;
- Objection of
- In some cases, the possibility of objection by the Prosecutor of the Republic on the decision of the Plenum of the Supreme Court on certain issues.

CONCLUSION

In conclusion, it is worth noting that the establishment of the Supreme Court of Uzbekistan took place during the Soviet era and was the product of a new judicial system. The judicial system changed such a lot during the 1930s and 1934s. Judicial proceedings of the Supreme Court began to move beyond its jurisdiction. Criminal cases against the state

began to be resolved by a special panel of the Supreme Court and a special council of the NKVD. The rule of law was replaced by a policy of punishment based on the will of the ruling forces, which are subject to ideology. The Law “on the Organization of Courts”, adopted in 1938, caused many inconveniences. Excessive centralization of all judicial systems occurred. This made it difficult to discuss decisions and judgments. The Supreme Court of the Uzbek SSR was even completely deprived of the power to control the courts. In the Uzbek SSR, the Supreme Court also had jurisdiction to hear cases at a special level, dealing with both internal and external disputes.

It is no coincidence that from the first years of independence in our country, special attention has been paid to the judicial and legal direction of reforms. One of the most important directions of democratic renewal of our country at this stage is the rule of law and the protection of the rights and interests of the individual through a reliable judicial system. In short, it is appropriate to look at the judiciary as a body that protects the freedoms of citizens, rather than a body that punishes people as it did under the previous system.

REFERENCES

1. Mingboev U. Supreme Court: yesterday and today. –Tashkent.: “Kamalak”, 1994. P-10.
2. Central State Archive of the Republic of Uzbekistan. P-87-fond, List 1, Work 8, Page 44.
3. Central State Archive of the Republic of Uzbekistan. P-86-fond, List 1, Work 2224, Page 278.
4. Central State Archive of the Republic of Uzbekistan. P-86-fond, List 1, Work 2222, Page 28.
5. History of the Soviet state and law in Uzbekistan. T-2. - Tashkent .: 1969, 186-p.
6. History of the Soviet state and law in Uzbekistan. T .: 1969, 405-p.
7. Central State Archive of the Republic of Uzbekistan. P-904-fond, List 9, Work 29, Page 40.
8. Hamidova M. History of the state and law of Uzbekistan. –Tashkent .: TJI, 2004, P -78.
9. Collection of legalizations and order of Uz SSR, 1931, No. 25, 215-p.
10. Irkakhodzhaev K. Organizations and activities of the Supreme Court of the Uzbek SSR. Tashkent. Diss. can. jurid. sciences.
11. Central State Archive of the Republic of Uzbekistan. P-904-fond, List 9, Work 29, Page 40.
12. Central State Archive of the Republic of Uzbekistan. P-904-fond, List 1, Work 215, Page 379.
13. Central State Archive of the Republic of Uzbekistan. P-904-fond, List 1, Work 215, Page 380.
14. Yusupovich, K. S. (2020). The Emergence Of Religious Views Is Exemplified By The Southern Regions. The American Journal of Social Science and Education Innovations, 2(10), 143-145.