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ACTIVITIES OF THE SUPREME COURT OF THE UZBEK SSR IN CRIMINAL CASES

M.R. Topildieva

Senior lecturer of the department “Newest history of Uzbekistan”, Faculty of History, National University of Uzbekistan named after Mirzo Ulugbek, Uzbekistan

Abstract

In this article, based on the information of primary archive documents, the author commented on the activities of the Supreme Court in the field of criminal cases in the Uzbek SSR. The duties and powers of the Criminal Division of the Supreme Court of the Uzbek Soviet Socialist Republic have been scientifically researched.

Keywords Court, cassation, district, prosecutor, protest, code.

INTRODUCTION

The main criterion of the court's activity is the judicial process it conducts. It should be mentioned that the Supreme Court was not limited only to management and control work, but directly engaged in judicial activities.

The activities of the Supreme Court in criminal cases were both basic and complex. After all, this period was the stage of the formation of the Soviet totalitarian system, in which the preservation of the system on the basis of strict regimes, if necessary by means of repression, was seen as the first task. Like all supervisory bodies, the Supreme Court of Uzbekistan, which has united courts into a single system, has been fulfilling the role of a means of realizing this goal. But this activity is not one-sided. That is, it was not manifested only in the form of punishment or threats. True, in many cases enlightened people were subjected to public punishment as dissenters. However, this happened due to the pressure and ideology of the center [1].

If we pay attention to the characteristics of crimes

in the 20s, we can be sure that most of them are crimes such as counter-revolutionary action and propaganda, invasion, and murder. It can be seen from this that the Supreme Court of Uzbekistan, which was formed just now, was faced with complex criminal proceedings.

The Main Findings and Results

The Supreme Court considered criminal cases with the help of a court panel and a cassation panel. In criminal and civil cases, 20 criminal cases were considered in the period up to September 1, 1925. 44 people were sentenced to various degrees of punishment in the remaining 18 cases, two of which were suspended:

- 4 people from 1 to 3 years;
- 12 people from 3 to 5 years;
- 9 people with a sentence of imprisonment from 5 to 10 years;
- 5 people were sentenced to high punishment;

➤ 3 people were sentenced on the basis of a suspended sentence.

11 cases were acquitted due to insufficient evidence. As can be seen from the above, the majority of those sentenced are imprisonment for 3 to 5 years and 5 to 10 years [2].

During this period, the jury on criminal cases held 20 meetings, where 25 cases were considered and 23 different types of issues were resolved. 5 court hearings will be held on the considered issues. In it:

- a) On the conditions of early release;
- b) On violation of civil rights;
- c) The issue of initial detention was addressed.

From December 15, 1924 to September 1, 1925, the criminal affairs department of the cassation board received 258 cases in the procedure of cassation appeals and 80 cases in the control procedure. Of these, 211 cases were considered in the cassation procedure and 41 cases in the control procedure. This reduction of cases is based on evidence. Of those, 52 cases were dismissed; 45 were changed; 10 cases were suspended.

The board of cassation considered the cases of the higher instance on the basis of appeals and petitions received on the judgments and decisions issued by the lower courts, i.e. district courts and people's courts. In that year, when the cases received from the districts were distributed, 33 cases were received from the Tashkent region in the cassation procedure. 5 of them have been overturned and 20 have been resolved. 7 cases were changed and 1 case was suspended.

121 cases were received in Samarkand region. This is higher than other provinces. The reason for this situation may be its position as the capital. 99 cases are in the cassation procedure, 62 have been resolved, 14 have been canceled and 20 have been changed. The number of cases received under the

supervision of the Cassation Board is 22, of which six were resolved, six were canceled, 5 were changed, 1 was suspended, and 2 criminal cases were suspended under Article 441 of the Criminal Code. The distribution of criminal cases in other regions is similar [3].

In 1926, the first Criminal Code of the Uzbek SSR was adopted. It reflects measures of punishment for crime.

It was during these years that armed movements against the authorities escalated in various parts of Uzbekistan. For many years, these actions were viewed as oppression and given a negative evaluation. But they were not oppressors, they were patriots who fought for their freedom, value, honor and nation. Dissatisfied with the violent policy of the Soviet government, they took up arms [4].

The mobile sessions of the Supreme Court, which are held across the territories, allow to directly examine the situation and help to ease the work of the lower courts. Because there were few qualified personnel in the regions. In addition, the amount of work did not allow to solve it on time. 3 of those reviewed cases were serious crimes of political importance. These are included in the list of counter-revolutionary actions according to the type of crime.

The number and quality of hearings of criminal cases by the Supreme Court increased. In 1927, 20 criminal cases involving 159 persons were tried by the Jury of Criminal Cases. 116 of them were discussed, the cases of 43 persons were found not guilty. Depending on the type of punishment, 20 people were sentenced to the highest punishment, 14 people to 5 to 10 years, 16 people to 3 to 5 years, 33 people to 2 to 3 years, and 22 people to 1 year of imprisonment. Those sentenced to high or long-term punishment make up 29% of those sentenced. This means slightly less than in 1925. But during that period, the number of appeals in criminal cases

and the number of crimes increased.

If we pay attention to the social class of those sentenced to punishment, their:

- 7 workers;
- 58 people are farmers;
- 33 servants;
- Representatives of other fields make up 18 people.

The mobile sessions of the court held throughout the regions were continued during this period and considered 20 court cases.

The panel of cassation considered a number of cases of the department of criminal cases, crimes of cassation, protests filed by the Prosecutor or the appeal of the Supreme Court. A total of 731 cases were considered during 1927. In 1926, 125 cases related to military tribunals were considered. But since 1927, the Supreme Court did not have jurisdiction to hear military tribunals. However, the caseload of the district courts increased. That is, the courts of Bukhara, Khojacent, Andijan districts appeared. In addition, the Supreme Court of the Tajikistan ASSR and five regional courts under its supervision, the lower level of the people's courts, were established. They were under the control of the cassation board [3. 12].

Regarding the increase of the criminal case, the amount of protests of the District Prosecutor in the cassation and control procedures has decreased. As archival documents show, this does not testify to the reduction of injustice and errors in the initiation of a criminal case. On the contrary, the district prosecutors were evaluated by the insufficient discussion of the judgments and decisions called by the district courts. As one of the main shortcomings, the work of the cassation panel in criminal cases was also criticized, and it was noted that it is conducting control over judgments and decisions in vain. Of course, it

would be wrong to pretend that justice is being served at a time when punitive policies are on the rise. The share of District Attorneys in prosecuting criminal cases was 35 (6.6%) in 1926 and 12 (2%) in 1927.

112 cases related to duty, that is, abuse of one's duty, were considered. 151 people were sentenced in them. When these are distributed in government agencies:

- a) 66 cases related to management bodies, 81 people sentenced;
- b) 23 jobs in general production organizations;
- c) 21 jobs in state-economic organizations.

As can be seen from the above, this type of criminal cases are mostly related to administrative agencies.

Regarding indebtedness, 44.4% of the criminal cases opened belong to other government agencies, 26.4% to general production and trade organizations, and 29% to state economic organizations.

The share of economic-related crimes is 4.9%, and the share of punishments is 3.4%.

Crimes against a person's life, health, personality are more than other crimes, especially murder - 22.1% (117 criminal cases), and it is shown that this type of crime is committed more often in rural areas. What caused this? As we all know, during this period, women's rights and the removal of the burqa were being carried out. The Soviet government, which did not respect the national and religious views of the local population, began to implement this work quickly and hastily. As a result, most of the women who threw off the burqa were killed by their husbands or brothers, and the rest returned to the burqa. However, people accepted it when the penalties became more severe [4. 65].

Crimes against gender accounted for 13.6%, and 127 people were prosecuted. According to the

documents, underage girls are also married due to the old-fashioned view of marriage.

The crime of subversion and invasion was considered one of the most committed crimes in these years. In 1927, 131 such criminal cases were considered by the joint cassation panel. According to Article 231 of the Criminal Code of the Uzbek SSR (1926), it is an act of invasion, and almost all of them are represented as a gang of invaders united as a criminal group. Strict measures have been taken against these crimes, which are considered as “printing” activities, given a political tone. Cases of murder were also committed in such crimes.

The following types of punishments were imposed for this crime:

- 168 people to the highest punishment;
- Replacement of high punishment with deprivation of liberty 2 persons;
- Deprived of liberty:
 - from 5 to 10 years—283 people;
 - from 2 to 5 years - 265 people;
 - from 1 to 2 years—73 people;
 - up to 1 year - 61 people;
- Conditional imprisonment - 29 people;
- Exile—25 people;
- Fine—3 people;
- Dismissed - 5 people;
- Acquitted - 36 people; [3. 23]

A total of 948 people were penalized, most of whom received strict action. That is, long-term imprisonment was used in sentencing.

In the 1930s, there was a slight decrease in the nature and danger of crime. That is, although the number of crimes against the state decreased, this type of crime remained in the regions.

Analyzing the criminal cases considered by the Supreme Court of Uzbekistan and other courts from 1934 to 1936, it is shown that the main types of crimes decreased. The number of criminals also decreased by 32%. On the one hand, these opinions are correct, because by the middle of the 30s, the types of counter-revolutionary crimes that we listed above, that is, the movements of national independence in the country, had come to an end. In the 20s, these actions were considered as the main type of crime. In addition, kulak farmers and farms were almost destroyed.

Although the number of people deprived of liberty decreased in 1936, the number of other types of punishment increased. Does this mean that the types of punishment are reduced? With an objective eye, one cannot fully agree with the opinions presented in this statistical information. Because during this period, the policy of punishment was increasing with fabricated fictions about various counter-revolutionary groups based on the ideology of the ruling party [5]. In such conditions, it can be said that the imposition of punishment will not be mitigated, but will be intensified.

In 1937, the Cassation Board of the Supreme Court received more than 5,000 cases in the cassation procedure and about 2,000 cases in the control procedure. Most of the cases are crimes against property: theft, misappropriation, embezzlement, etc. In the first quarter of 1937, the cassation panel of the Supreme Court received 645 cases, 492 of them were considered. 277 people were sentenced for crimes. Of these, 189 people, i.e. 24.9 percent, were sentenced without change. 20.3 percent of those sentenced were commuted because of the wrongness of the sentence.

CONCLUSION

The beginning of the war against fascism in 1941, as in all systems, hardened the policy of sentencing for crimes in the supreme court. During this period,

due to the fact that industry and agriculture were mobilized for the war, the punishment measures against the types of crimes were strengthened. In particular, we see that the theft of state property, looting, leaving the designated place of work or evasion are severely punished.

It should be noted that during this period, the activity of the courts in criminal cases reflected the true nature of the Soviet court. As we mentioned earlier, the Soviet ideology meant that the courts should operate as an office that would apply this policy.

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