



## Research Article

# THE JUDICIAL SYSTEM IN THE UZBEK SSR AND THE ROLE OF THE SUPREME COURT IN IT

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## ABSTRACT

In this article, the author considers the judicial system in the Uzbek SSR and the role of the Supreme Court in it. The activities of the Supreme Court are covered by the author on the basis of archival data.

## KEYWORDS

Court, tribunal, presidium, cassation, collegium, justice, instance, prosecutor, commissioner.

## INTRODUCTION

After gaining independence, Uzbekistan, as in all areas, has undergone a number of reforms in the judicial system. The main goal of the fundamental political, economic, social and spiritual transformations taking place in our country is to build a just civil society based on democracy. This can be seen in the Law “On the Fundamentals of State Independence of the Republic of Uzbekistan” and the Constitution of the Republic of

Uzbekistan, from the first birthday of our state, can be seen in demonstrating to the world community the recognition of the supremacy of the state constitution and laws in the republic.

It is no coincidence that the First President of the Republic of Uzbekistan I.A. Karimov, speaking about the structure of the national state, noted that power



should consist of three interconnected, three main legislative, executive and judicial branches. One of these powers in building the rule of law is the judiciary, which is entrusted with the function of ensuring compliance with the laws of the state: ensuring their observance and preventing violations of the law.

Currently, the Supreme Court of Uzbekistan is pursuing a fair judicial policy in this regard. But it should be noted that he went through many difficult periods before reaching this level.

Given the history of the Supreme Court, most people associate it with the repressions of the totalitarian regime [p-1,7]. But in order to avoid such conclusions, it is necessary to systematize and study and analyze the work done. After all, this will be the basis for the future. The first President Islam Karimov said: “Spirituality becomes a powerful force only if it is based on a deep knowledge and understanding of the history of its people, its culture and tasks” [p. 2, 185].

## THE MAIN FINDINGS AND RESULTS

In 1922 the Soviet state was transformed into the Union of Soviet Socialist Republics. Proceeding from this, the Soviet republics were also formed. This policy did not bypass Turkestan either. A national-territorial delimitation was carried out in the country. As a result, in 1924-1925. in Central Asia, new Soviet states arose, along with Turkmenistan and Kyrgyzstan, the Soviet Socialist Republic of Uzbekistan was formed. It was the first nation-state in history to bear this name. On February 13, 1924, at a congress in Bukhara, the Declaration “On the Formation of the State of the Uzbek SSR” was adopted and its legal basis was created.

In this regard, all previously created state systems began to change. The Turkestan ASSR, the Bukhara SSR and the Khorezm SSR were abolished as states,

and parts of their territory became part of the Uzbek SSR.

By the decision of the Central Executive Committee of the Uzbek SSR of December 13, 1924, instead of the branch of the Supreme Court of the RSFSR in the Turkestan ASSR, the Supreme Court of the Uzbek SSR was formed [p-3,52]. This day has remained in the history of our country as the day of the emergence of the first and present Supreme Court and judicial bodies. Unlike its predecessor, it was given its own independent features. Part of the Turkestan ASSR did not have some functions, for example, a department for civil affairs. This activity was carried out directly by the Supreme Court of the RSFSR. Although it belongs to our country.

Based on this, all judicial bodies on the territory of the Uzbek SSR began to reorganize. The Supreme Courts of the Bukhara SSR and the Khorezm SSR were abolished. The Supreme Courts of the Bukhara SSR and the Khorezm SSR were transformed into district courts, which received the name of people’s courts.

The Supreme Court of the Uzbek SSR united all lower judicial bodies into a single system and began to exercise control over the courts and military tribunals.

The organizational work of the Supreme Court was carried out by the Revolutionary Committee (Revkom). The Revolutionary Committee first of all approves the composition of the Supreme Court. According to this, A.Kh. Sharofutdinov, first deputy I. Chudayev, second B. Sharipov, and Saidakhmedov, Riyakhovsky, Upelnik and others were members of the court as participants.

Although the Supreme Court was established on a separate basis, it did not operate independently from the very beginning. More precisely, it was formed under the Central Executive Committee of the Uzbek SSR and submitted to it [p. 4,26]. The sentences were



based on 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 (permitted) 52 death sentences, and 5 similar sentences of the Supreme Court were commuted to 10 years in prison [p. 5278].

During this period, some structures of the Supreme Court ensured strict control over it. A similar task was performed by the Prosecutor of the Supreme Court. It was established in 1925 under the auspices of the Supreme Court of the Uzbek SSR. The Supreme Court and its apparatus checked the observance of the law in criminal and civil cases, the correctness of the penitentiary policy of the Presidium of the Central Executive Committee of the Uzbek SSR.

National-territorial demarcation in Central Asia has affected national, administrative, political and economic issues. In particular, the Tajik ASSR was formed as part of Uzbekistan and in many respects its activities were connected with Uzbekistan. The judiciary is no exception.

On May 23, 1925, the above question was considered at a meeting of the Presidium of the CIU of the Uzbek SSR. In it, the Chairman of the Supreme Court of the Uzbek SSR A. Sharofitdinov, in his speech, noted the proximity of administrative and national-cultural ties with Tajikistan, given the remoteness of the Uzbek capital, the difficulties of postal and communication services and, most importantly, the development of armed uprisings against the Soviet regime, he proposed to create a branch Supreme Court of the Uzbek SSR. The draft decision on the separation of the Supreme Court of Tajikistan was adopted on an interim basis, taking into account the current situation. The meeting also considered the issue of approving the chairman of the Tajik branch of the Supreme Court and his deputy. M. Yuldashev is appointed chairman of the

department, and G. Meilikhovich is appointed deputy chairman.

In 1924, a new Constitution of the USSR was adopted. This can be explained by various changes in the Soviet state. In this regard, there have been changes in the judicial legislation. In the same year, the Law “On the Establishment of Courts in the USSR and Soviet Republics” was adopted. On this basis, on September 29, 1926, the Central Executive Committee of the Uzbek SSR developed the Law “On the organization of courts in the Uzbek SSR”. On this basis, on September 29, 1926, the Central Executive Committee of the Uzbek SSR developed the Law “On the organization of courts in the Uzbek SSR”. This law went into effect on February 15, 1927 [p. 6, 186] The development of this law is a unique event in our judicial system. Although this law was based on the laws prepared by the “center”, it was a separate law on the judicial system of the Uzbek SSR. This law specifically referred to the Supreme Court and its functions and structure were clearly defined. It was also noted that the courts of the Tajik ASSR can act on an equal basis in Uzbekistan.

Of course, on the one hand, it is gratifying that similar laws have been developed in Uzbekistan and the judicial system has been updated. However, did these laws correspond to the desires and mentality of the local population? Or is it only in the interests of the state, the system? The abolition of courts and judges close to the people was a step against the values of the people. In the right state, justice is administered only by the court. However, the population has not yet adapted to the situation. According to some historical sources, the activities of such Sharia courts began to be limited due to the demands and wishes of the population [p. 7, 112]. Or, it is said that the judges themselves petitioned for the closure of the courts.[p. 8, 191] Therefore, on February 18, 1928, in the decision of the Council of the Central Executive Committee of



the Uzbek SSR, it was said that in Uzbekistan the judges of the qazis came to the conclusion of self-abolition. But how right or wrong this is can be seen from the fact that since the emergence of the Soviet state, the powers of the qazi courts, if necessary, and its activities have been limited. Only petty civil claims were left to the Qazi courts.

By the end of 1927, there were changes in the judicial system of the Tajik ASSR. That is, instead of the Tajik branch of the Supreme Court of the Uzbek SSR, the Supreme Court of the Tajik ASSR was created. Representative bodies of the Supreme Court were introduced in Gorno-Badakhshan and other regions of Tajikistan. At the same time, the courts of first instance were established on the basis of the decision of the Plenum of the Supreme Court.

In the 1930s, a number of changes began to take place in public life and politics. 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. In August 1929, the People's Commissariat of Justice of the Uzbek SSR developed a new Code of Criminal Procedure. This code differed from the Code of Criminal Procedure of 1926 in that it was more concise. In this case, the processes of interrogation and investigation were combined. The investigative bodies under the Supreme Court and other judicial bodies were transferred to the prosecutor's office. The investigator was also given some supervisory functions of the prosecutor. The Code of Criminal Procedure did not specify the grounds for monitoring or refusing to initiate a criminal case. This led to violations of the law and the beginning of repression [p. 9.78].

As we can see, over this short period of time, both in the judicial system and in the life of society, a number of changes took place, which led to the adoption on July 20, 1931 of a new version of the Law "On the Organization of Courts". This was due to the fact that

the Tajik ASSR withdrew from Uzbekistan in 1929 and became a federal Soviet republic, abolishing district courts and increasing the weight of people's courts, and transferring the investigative bodies of the Supreme Court and other lower courts to the prosecutor's office. If we take a closer look, we will see that in this law, some functions in the powers of the Supreme Court are reduced compared to the previous law. For example, the new law does not say anything about disciplinary liability.

Although a new law was passed, the district courts were reinstated in some sheep courts. That is, given the remoteness of the Khorezm state center and difficult conditions, in 1931 the Council of the Central Executive Committee of the Uzbek SSR decided to create the Khorezm district. The reorganization of the Khorezm district court is connected with this. Later, this example was followed by the Kashkadarya and Surkhandarya districts and district courts. [p. 10.96] In the 1930s, local customs were considered "obsolete" and fought against. In particular, actions such as encouraging women to take off their veils and forcing them into public institutions when necessary have led to many serious criminal offences. In this delicate issue of women's "equality", haste and rudeness were allowed. As a result, those who considered the burqa a sign of dignity and respect for women began to kill those who threw on the veil.

Various trials on these cases were held at off-site sessions of the Supreme Court. For example, in the issue of the "Pravda" newspaper dated January 12, 1930, the Supreme Court published an article about a trial related to the murder of Otinbibi, a Komsomol activist, Besharik, who was killed by enemies. Persons found guilty in a criminal case shall be punished accordingly.

On the basis of these and similar circumstances, 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” [11.40 p.]. He called for clear and decisive action against those who treat women in the old way. As we can see, the Supreme Court and lower courts in general carried out specific organizational work in the judicial system to protect the rights and interests of women, which led to positive changes in society.

In June 1932, the Central Executive Committee and the Council of People’s Commissars of the Uzbek SSR adopted a resolution on introducing amendments and additions to the resolution on the People’s Commissariat of Justice of the Uzbek SSR. In accordance with this resolution, the Supreme Court of the Uzbek SSR and the republican prosecutor’s office became part of the People’s Commissariat of Justice. Under the People’s Commissariat of Justice, an organizational and managerial department was created to check and investigate cases in the judiciary. The inclusion of the Supreme Court in the composition of the People’s Commissariat of Justice was aimed at centralizing all systems and facilitating top-down control.

In 1933, the Council of the Central Executive Committee of the USSR adopted a resolution “On the expansion of the functions of the Supreme Court of the USSR.” This resolution was approved at the IV session of the IX convocation of the Council of the Central Executive Committee of the USSR on January 4, 1934. The tasks and powers of the Supreme Court of the USSR were expanded. Now the Supreme Court of the USSR had the right to give instructions, instructions to the courts of the Union republics on issues of judicial practice, as well as to bring protests in cases contrary to all-Union legislation.

Based on the decision of the Council of the Central Executive Committee of the USSR of July 10, 1934, a

Special Judicial Collegium was established at the Supreme Court. The board, consisting of 34 people, considered politically significant criminal cases in the cassation procedure in the first instance.

In addition, the above-mentioned Special Judicial and Judicial Boards on water transport issues, which were originally under the jurisdiction of the Supreme Court of the Uzbek SSR, on April 7, 1936, by decisions of the Central Executive Committee of the USSR and the Council of People’s Commissars of the USSR, passed into direct subordination to the Supreme Court of the USSR. That is, the right to manage them was transferred from the Supreme Court of the Uzbek SSR to the Supreme Court of the USSR.

On July 21, 1934, the Central Executive Committee of the Uzbek SSR issued a resolution “On the Formation of the People’s Commissariat for Internal Affairs of the Uzbek SSR” [p. 12,370]. The rights of the NKVD expanded. In the same year, a judicial board was created under the State Political Administration (USPA), and the cases considered by it were transferred to the Supreme Court. The USPA was under the leadership of the NKVD as its main branch. Under the NKVD, the Special Council was recreated. The Special Council was given the right to consider crimes against the state out of court, i.e. the right to impose punishment without trial.

On December 8, 1936, the Central Executive Committee of the USSR and the Council of People’s Commissars of the USSR issued a resolution “On the formation of the People’s Commissariat of Justice of the USSR”. According to this ruling, the Supreme Court was relieved of the function of managing lower courts. Now it has become only the supreme governing body of the republic. This is due to the new Constitution of the USSR, adopted in the same year. Based on the Constitution of the USSR, the Extraordinary Congress of Soviets of the Uzbek SSR in February 1937 also



approved the new Constitution of the Uzbek SSR. On May 20, 1937, the Decree “On the People’s Commissariat of Justice of the Uzbek SSR” was developed. According to this decision, the Supreme Court of the Uzbek SSR was also relieved of its judicial functions and remained in the status of the highest supervisory authority.

Another important event in our country that took place during this period was the accession of the Karakalpak ASSR to the Uzbek SSR in 1936. In turn, there were changes in its judicial system. Until now, the Supreme Court of the Karakalpak ASSR had the status of a regional court under the jurisdiction of the RSFSR. In accordance with the Constitution of 1937, the Supreme Court of the Karakalpak ASSR was formed. The Supreme Court of the Uzbek SSR also helped him work in all directions. Although the Karakalpak ASSR was territorially part of the Uzbek SSR, its Supreme Court did not operate under the supervision of the Supreme Court of the Uzbek SSR. On the contrary, it was controlled by the People’s Commissariat of Justice of the USSR.

On the basis of the new Constitution, on August 16, 1938, the Supreme Soviet of the USSR adopted the Law “On the Organization of Courts in the USSR, Union and Autonomous Republics.”

## CONCLUSION

The law significantly changed the structure of the Supreme Court and other judicial bodies. That is, the deprivation of the Supreme Court of judicial and administrative powers, or, in other words, the distribution of judicial power, the reduction in the number of supervisory instances meant that the protests of the Prosecutor of the USSR and the Supreme Court of the USSR, issued over the verdicts, decisions and divorce proceedings of the republican courts, were equated with legal force.

However, it should be noted that the Law “On the Organization of Courts”, adopted in 1938, caused a lot of inconvenience. There was an over-centralization of all judicial systems. This made it difficult to hear decisions and sentences. The Supreme Court of the Uzbek SSR was even completely deprived of the authority to control the courts.

In addition, the Supreme Court of the USSR sometimes heard the case several times. In some cases, appeals against sentences and decisions were illegal. The difficulty of the procedure for reviewing sentences and decisions in divorce proceedings has led to the irresponsibility of the court staff. This situation began to develop among the leaders of the Supreme Court, regional courts and people’s courts.

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