



## OVERVIEW OF THE HISTORY OF THE COURT SYSTEM IN UZBEKISTAN

**M.R.Topildiyeva**

Teacher of the National University of Uzbekistan

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### ABSTRACT

*This article describes the establishment of the Supreme Court of the Republic of Uzbekistan and some historical aspects of its activities.*

According to historical sources, after the establishment of the Uzbek SSR in October 1924 and joining the USSR "as an allied republic with equal rights", it enjoyed all the rights and began to fulfill all its obligations with other allied republics. The judicial system was reorganized in all regions of the newly formed Uzbek SSR. In Bukhara and Khorezm, regional courts were established instead of the former Bukhara People's Socialist Republic Court and Khorezm People's Republic Court, and people's courts were established everywhere.

On December 13, 1924, the Supreme Court of the Uzbek SSR was established instead of the Turkestan branch of the Supreme Court of the RSFSR by the decision of the Presidium of the Supreme Court of the UzSSR. This Supreme Court body of the Republic of Uzbekistan united all judicial bodies into a single system and exercised judicial control over all lower courts and military tribunals operating in the territory of the Republic of Uzbekistan at that time. The Supreme Court of the Uzbek SSR had a plenum, a general assembly, cassation panels for criminal and civil cases, a military panel and a disciplinary panel (as needed). The composition of the Supreme Court consisted of the chairman, the deputy chairman (the chairman of the first-instance trial board), the chairman of the cassation board and six members of the board. The task of the Supreme Court of the Uzbek SSR was to review the cases of the lower courts and military tribunals operating in the territory of Uzbekistan in the cassation and control procedure. Then, according to the Regulation on military tribunals and military prosecutor's office approved by the Ministry of Defense of the USSR and the Supreme Court of the USSR, the function of cassation in cases related to military trials was concentrated in the military panel of the Supreme Court of the USSR. The Supreme Court of the UZSSR, like the Supreme Courts of other allied republics, was excluded from the cassation procedure of the cases tried by the military tribunals.

The Plenum of the Supreme Court resolved a number of important issues

In particular: he interpreted the laws on judicial practice issues arising due to the requests of republican judicial bodies and the Supreme Court of the Tajikistan ASSR



department and examined cases in the order of supervision. Its general meeting was engaged in giving explanations and instructions to the lower courts on the implementation of one or another legal document of the republic. The Presidium of the Supreme Court resolved organizational issues, i.e., its tasks included the distribution of duties among the members of the court, approval of the reports of the Supreme Court, inspection of regional courts and the Supreme Court of the Tajikistan ASSR, and initiation of disciplinary proceedings against the members of the Supreme Court of the Uzbek SSR. The cases of the cassation panels on criminal and civil cases were heard by the composition of three members of the Supreme Court in the cassation procedure.

In 1925, the roster of the Supreme Court consisted of 41 people. But in reality, the number of working people did not exceed 35 people. ". . . it was not possible to fill vacant positions due to the lack of adequately trained personnel. The need for such employees was extremely high. . . "1. Consequently, in the current situation, "the Supreme Court of the UZSSR, with its plenary session, presidium, four panels (judicial and criminal-civil cassation proceedings, disciplinary panel with the responsible personnel) did not have the opportunity to fully fulfill the huge tasks before the Supreme Court. In addition, 50 percent of the management did not have enough practical experience. However, the limited status of the Supreme Court required each employee to be highly qualified and able to independently complete the work assigned to him."2

The military panel of the Supreme Court of the Uzbek SSR, which existed until 1926, worked in the composition of the chairman of the panel of cassation and four members of the court. The disciplinary panel of the Supreme Court of the Uzbek SSR, consisting of three members of the court, heard disciplinary cases against the members of the regional courts and the members of the Tajik ASSR branch of the Supreme Court. Disciplinary cases against members of the Supreme Court were handled by the Presidium of the Supreme Court of the Uzbek SSR. The chairman, deputy chairman and members of the Supreme Court were approved by the MIQ of the Uzbekistan SSR on the recommendation of the People's Commissariat of Justice, and the chairpersons of the court panels were appointed by the Presidium of the MIQ of the Uzbekistan SSR. As a first instance, he handled particularly important and complex cases in a composition consisting of one member of the Supreme Court and two people's advisers. Judgments and decisions of the Supreme Court of the USSR were considered final and could only be annulled or changed by the Plenum of the Supreme Court of the Republic under the control procedure. The Supreme Court resolved various criminal cases and severely punished the criminals, striking domestic and foreign counter-revolutionaries, looters of socialist property, speculators, bribe-takers and other dangerous elements. He did great work on strengthening the revolutionary legality and uniform application of laws in the field of protection of state and private property of citizens by all lower courts. While deciding the civil and criminal cases, the court aimed first of all at the educational impact on the general public.

By the decision of the Ministry of Justice of the Uzbek SSR, from July 1, 1926, the first criminal-procedural code of the USSR was implemented in all territories of Uzbekistan

<sup>1</sup> Ўзбекистон Республикаси Марказий Давлат Архиви 1-фонд 1-рўйхат 2450- йиғма жилд.

<sup>2</sup> Ўзбекистон Республикаси Марказий Давлат Архиви 1-фонд 1-рўйхат 2451-йиғма жилд.



(including Tajikistan ASSR), which was adopted by the Ministry of Justice of the USSR on October 31, 1924. In full compliance with this decision, the "Regulation on the structure of the judiciary in the Uzbek SSR" was implemented by the Council of Soviets of the Uzbek SSR on February 15, 1927, in which the Supreme Court of the Uzbek SSR was recognized as the supreme body of judicial control. On October 27, 1928, the Supreme Court of the USSR and the Supreme Court of the USSR found it necessary to reorganize the system of the Supreme Court of the USSR in order to ensure the unity of judicial bodies in the republic. Two deputies were approved under the supervision of the APC of the UZSSR: one was considered the Prosecutor of the Republic in the field of prosecution, and he managed all cases related to the prosecutor's control, the second one was considered the Chairman of the Supreme Court of the Republic, who had the authority to direct the work of judicial bodies in the field of judicial bodies. As before, judicial management remained under the jurisdiction of the People's Commissariat of Justice of the UZSSR. By the decision of the Ministry of Justice of the Uzbek SSR and the Supreme Court of Uzbekistan on February 18, 1928, the judicial courts in the territory of the republic were abolished, because by this time the people stopped applying to them. It should be noted that at the end of 1927, the Tajik branch of the Supreme Court of the Uzbekistan SSR was abolished and the General Court of the Tajikistan ASSR was established. The functions of the abolished Tajik branch of the Supreme Court were transferred to the Supreme Court of the Uzbek SSR.<sup>3</sup>

By the decision of the Soviets of the Uzbek SSR on August 17, 1930, districts were abolished on the territory of Uzbekistan. In this regard, the district courts (provincial courts) operating according to the Regulation on the structure of the court have stopped their activities. As a result of the abolition of district courts, the judicial system consisted of people's courts and the Supreme Court of the Uzbek SSR. In full accordance with this decision, the new version of the Regulation "On the structure of the court in the Uzbek SSR" was adopted. However, in 1931, Khorezm district was established, taking into account the special conditions related to Khorezm's distance from the center, and the Khorezm district court was established in this regard. Then Kashkadarya and Surkhandarya districts were also established. District courts were established there as well. Thus, the Supreme Court of the Uzbek SSR ruled over Khorezm, later Kashkadarya and Surkhandarya districts. Such a system was in force in 1938 until the adoption of the "Law on the Judicial Structure of Allied and Autonomous Republics of the SSR Union".

In 1934, in accordance with the decision of the Supreme Court of the USSR, as in other allied republics, a special commission was established to consider cases of crimes against the state both in the first instance and in the cassation procedure. In the same year, the Supreme Court of the Republic established a jury on water transport cases. His powers include consideration of criminal cases committed in water transport both in the first instance and in the cassation procedure. Later, the water-transport (road) courts were placed under the direct authority of the Supreme Court of the SSR Union.

On August 16, 1938, the Supreme Soviet of the USSR approved the "Law on the Judicial Structure of the Union of Soviet Socialist Republics, Allied and Autonomous Republics". This

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<sup>3</sup> Ўзбекистон Республикаси Марказий Давлат Архиви 1 фонд 1рўйхат 2455 йиғма жилд.



law introduced a number of fundamental changes to the organization of the work of judicial bodies. These are the division of judicial administration tasks, a sharp reduction in the number of supervisory bodies, the establishment of special commissions, etc.

Since 1938, the Supreme Court of the Uzbek SSR has been the only court in the republic with the right to re-examine judgments, decisions and rulings that have come into force. In the Supreme Court of the Uzbek SSR, as in other allied republics, both the Presidium and the Plenum have been abolished. It should be noted that the activity of the Presidium and Plenum of the Supreme Court of the Uzbek SSR in issuing programmatic instructions on correcting the mistakes of the lower courts was of great importance. Therefore, the termination of the Presidiums and Plenums of the Supreme Courts of the allied republics was incorrect.

On February 12, 1957, the adoption of a special regulation on the Supreme Court of the USSR was a huge event in the history of the Supreme Court. The new Charter clarified the tasks of the Supreme Court of the SSR and expanded the functions of the Supreme Courts of the allied republics.

By the Decree of the Presidium of the Supreme Soviet of the Uzbek SSR dated March 23, 1959, the Ministry of Justice of the Uzbek SSR was abolished, and its function of control over the work of republican courts was transferred to the Supreme Court of the Uzbek SSR. This is not only an unduly heavy burden, but also imposes on the Supreme Court unsuited functions in the matter of judicial administration. This practice continued until 1970, when the Republic's Ministry of Justice was restructured and given judicial management functions. The Supreme Soviet of the Republic adopted a new Criminal Code, Criminal Procedural Code, and the Law on the Judicial Structure of the Uzbek SSR and implemented it on January 1, 1960. In 1963, the Civil Code and the Civil Procedure Code were adopted.

It is no coincidence that the judiciary is not mentioned at all in any constitution adopted during the Soviet era. Because the court was transformed into an easy-to-manage part of the totalitarian, administrative-command system, and a tool for carrying out the policy of oppression and violence. As a result, in 1930-1950, 1972-1977, 1983-1987, terrible dark days were rained on the people of our republic, thousands of our best, learned and enlightened citizens were unjustly persecuted, and the people lost faith in law and justice.

So, the rich experience of the history of Uzbekistan shows that until 1917, there was an independent judicial authority in its territory, which was respected by all state systems and stood out as a guarantee of justice and legality. This power remains the same today in most Eastern countries that did not experience the "earthquake" of 1917. With the establishment of Soviet power in the territory of Uzbekistan, there were cases of mass punishment of free-thinkers, who made up the majority of the society's considered enlightened class. Recklessly changing the old system of justice, subordinating it completely to the party and the soviets led to the disappearance of justice and judicial power in essence.

From this short historical account of the Supreme Court of the Republic, it can be seen that these years were productive. This period attracts the attention of researchers and practitioners.

To sum up, until now, the emergence, development and activity of courts in our Republic have been left out of the attention of our historians and legal scholars. So, today, the Supreme



Court of the Republic of Uzbekistan entrusts them with the responsible task of studying the history of the Republic of Uzbekistan in every way and revealing its content..

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