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THE SIGNIFICANCE OF DECREES ADOPTED IN THE ESTABLISHMENT OF THE SOVIET COURT SYSTEM IN TURKESTAN

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ABSTRACT

This article provides information about the reforms in the judicial system as a result of the socio-political processes that took place in Turkestan in the first quarter of the 20th century and the decrees adopted by the Soviets as a result of replacing the old judicial system with a new one and their historical significance.

KEYWORDS

Court, decision, decree, district court, cassation, appeal, jurisdiction, people's courts, judge.

INTRODUCTION

By 1917, a coup was carried out in the Russian Empire. That is, the Romanov dynasty, which ruled the Empire for several centuries, left the throne. The revolution was caused by the disproportion of the national economy, its division into the rapidly developing industrial sector, and the stagnation of agriculture. [1. 19] The wave of the revolution also affected Turkestan. In the spring of 1917, the Soviet of Workers' and Soldiers' Deputies began to be formed in Tashkent. Soon they united into a single Tashkent Soviet of

Workers' and Soldiers' Deputies. In this, the principle of class was taken into consideration. Therefore, most of the deputies were Europeans[2. 20]. On June 21, 1917, the Tashkent branch of the Russian Social Democratic Party proclaimed "all power to the Soviets" [3. 2].

In the process of establishing a democratic government, the interim government made changes in

the judicial system, including the abolition of the death penalty and the abolition of military courts [4. 9].

On October 24, 1917, an armed uprising began in Petrograd. The Communist Party and its leader V.I. The forces of workers, soldiers and peasants led by Lenin came to power. The October Revolution fundamentally changed the way of social life that had been formed for many centuries not only in Russia but also in other countries [5. 6].

These events, in turn, meant the beginning of another transformation process in the judicial system of the Turkestan region. Before the beginning of these political processes, even during the period of the empire that ruled the region, innovations were introduced to the judicial system based on the national values of Turkestan for many years. But he did not dare to completely destroy the traditional courts, i.e. judges and judges. In particular, articles related to the judicial system were included in the Regulations on management, which depend on the socio-political, economic, administrative-territorial fate of the region. Nevertheless, together with the people's courts introduced by the Russians, despite the fact that their powers were quite narrow, the national courts continued their activities [6. 66].

METHODS

In this article, the formal literature created in the first half of the 20th century and the decisions made in that

period, the Regulations, are the primary source for explaining the research work. Including V. A. Kozlov, S. D. Murashevsky, SH. Tashliyev's works provide information about the management policy of the Soviet government and socio-political processes at that time, and the scientific articles of Yu.G. Shpakovskiy and A.V. Babenko provide information about the history of the formation of the Soviet judicial system.

The article uses methods such as historical comparison and analysis of scientific research.

RESULTS

After the collapse of the empire and the coming to power of the Soviets, another period of changes in the traditional courts of Turkestan began. In particular, on December 5, 1917, the leader of the Soviet government V.I. In accordance with Lenin's decree, on December 12, 1917, the Council of People's Commissars of Turkestan issued a decree "On the reorganization of the judicial institutions of the Turkestan region." According to the decree, all previously existing general judicial institutions: district courts, court chambers and military courts were abolished. People's courts formed on the basis of democratic elections were introduced instead of the bourgeois court, which protects the interests of the exploiters and is, in the words of the Soviets, an instrument of brutal invasion.

After the Soviets strengthened their power, they gradually began to reorganize the governing bodies of the national republics. The judicial system of Turkestan was no exception. Since 1917, the Council of People's Commissars began issuing decisions related to the judicial system. It was determined that the people's courts in Turkestan will operate on the basis of these decrees.

DISCUSSION

On November 22, 1917, the first decree on the judicial system was adopted. According to its paragraph 1, 1) Abolition of the existing general court system

the following judicial institutions: district courts, judicial chambers and all departments of the governing Senate, military and all types of naval courts, as well as commercial courts were set to be replaced by courts formed on the basis of democratic elections.

In accordance with paragraph 2, the judges, hitherto elected by indirect elections, will be replaced by local courts consisting of a permanent judge and two permanent advisers nominated for each session on the basis of special lists of permanent judges, suspending the current justices of the peace. set to stand. Also, Local Judges shall henceforth be appointed on the basis of direct democratic elections and until such elections are appointed temporarily - by district and volost, if not available - workers', soldiers' and

peasants' deputies by district, city and it was introduced as a rule to be elected by regional councils.

The decree included more provisions related to the powers of local courts. Local courts handle all civil cases up to 3,000 rubles, and in criminal cases can sentence the accused to imprisonment for not more than 2 years, only if the civil claim does not exceed 3,000 rubles. Judgments and decisions of local courts are final and cannot be appealed. A fine of more than 100 rubles or for a period of more than 7 days cassation appeal is allowed in cases related to deprivation of liberty. The cassation instance is the district, and in the capitals it is the capital congress of local judges.

According to paragraph 3, judicial investigators, prosecutor supervision institutions, as well as judges and private advocacy institutions, which existed until now, will be abolished, until the entire judicial process is changed, the preliminary investigation of criminal cases will be entrusted only to local judges, and their that decisions on private detention and trial must be approved by the decision of the entire local court, and that all citizens of both sexes enjoying civil rights are allowed to participate as lawyers in the preliminary investigation phase and in civil cases as prosecutors and defenders was set as In paragraph 4, court decisions, ranks of preliminary investigation and prosecutor's supervision, as well as councils of sworn lawyers are specially elected by the respective local Councils of Workers', Soldiers' and Peasants' Deputies

to accept and further direct cases and proceedings. Commissioners are responsible for the archives and property of these institutions. It was ordered that all subordinates and priests of the dissolved institutions should remain in their places and, under the general direction of the commissioners, carry out all the necessary work on the unfinished works, as well as provide information about the state activities to the interested persons.

It can be said that the radical renewal of the court's activity is an effort to ensure that it is based on democratic principles.

Clause 5 deals with the functioning of courts in national republics, where local courts decide cases in the name of the Russian Republic and in their decisions and judgments follow laws that have not been abrogated by the revolution and do not conflict with the revolutionary conscience and revolutionary sense of justice. It is said that they do.

This decision required local courts to obey the Soviet ideology. This can be seen in the norm that all laws that contradict the decisions of the Central Executive Committee of the Soviets of Workers, Soldiers and Peasants' Deputies and the Workers' and Peasants' Government, as well as the minimal programs of the Russian Social-Democratic revolutionaries, are recognized as null and void.

In all disputed civil cases, as well as in personal criminal cases, the parties may apply to the arbitration court. The working procedure of the arbitration court is defined by a special decision.

Pursuant to paragraph 7, the right to pardon and restore the rights of persons convicted of criminal cases is determined to belong to the judicial authority.

He ensured that the center of activity of everybody organized by the Soviets to preserve and strengthen the victory of the revolution would be this. To fight against counter-revolutionary forces in the form of taking measures to protect the revolution and its achievements, as well as to solve cases of fighting against looting and looting, sabotage and other abuses by merchants, industrialists, officials and other persons, workers and peasant revolutionary tribunals were formed consisting of a chairman and six permanent councilors elected by the workers', soldiers' and peasants' deputies from the regional and city councils.

In 1918, another court decree was passed. In practice, this was an addition to the 1917 decree. The first part of the decree provides information about the rules of procedure for the establishment of district people's courts. In particular, it states that district people's courts will be established to hear cases beyond the jurisdiction of the local people's court, whose members will be elected by the district by the local

councils of workers', soldiers' and peasants' deputies. The general meeting of the members of the District People's Court determines the number of civil and criminal departments, each of which is chaired by at least two permanent members. The number of court members may be increased or decreased by the local Councils of Workers', Soldiers' and Peasants' Deputies on their own initiative or at the request of the courts. The members of the court elect the chairman of the court and the chairman of the department from among themselves, recall them and elect other persons in their place. Elected members of the court, with the exception of the chairpersons, are recalled by the Councils that elected them. All preparatory actions for the trial are resolved collegially by at least three permanent members of the district people's court. In the departments of civil affairs, cases are decided on their merits with the participation of three permanent members of the district people's court and four people's advisers. Decisions on the merits of criminal cases are made by twelve permanent and two reserve judges under the chairmanship of one of the permanent members of the court [7. 466].

The second part of the decree is about the cassation procedure. It is established that the permanent members of the people's courts shall elect the appropriate number of members of the regional court at the general meeting of the regional court for the consideration of complaints.

The third part consists of provisions on the supervision of the Supreme Court. In order to achieve uniformity in the cassation practice of both assemblies of local people's judges and regional people's courts, supervision of the Supreme Court was established in the city of Petrograd. The Supreme Court supervises and issues judgments issued by all courts. Decisions issued by the Supreme Court could only be overturned by the legislature of the empire. The fourth part is about the judicial process and jurisdiction. In its first article, it is allowed to speak in all local languages in courts of instance. Civil and criminal trials were conducted according to the Rules of Court of 1864. Cases not exceeding 3000 rubles, such as civil documents, wills, adoptions, were transferred to the jurisdiction of district courts [7. 469].

The fifth part is about court fees and costs. In civil and criminal courts, as well as in arbitration courts, it is established that a court fee, which is determined until a special decision, is collected for civil claims with a value of more than 100 rubles, for cases of more than 100 rubles [7. 470].

The sixth part deals with the preliminary investigation, and the preliminary investigation of criminal cases outside the jurisdiction of the Local Court is carried out by the three directly elected Councils of Workers', Soldiers' and Peasants' Deputies. It is noted that it will be carried out by investigation commissions consisting of individuals.

According to the section 7 about the prosecution and defense, in particular, the court investigation should be conducted with the participation of the accuser and the defender, the formation of a collegium of persons dedicated to legal representation as a form of public protection at the Councils of Workers', Soldiers' and Peasants' Deputies, workers to these collegiums, persons elected and recalled by the Soviets of Soldiers' and Peasants' Deputies, the court could propose a state prosecutor from the above-mentioned panels of lawyers for each case.

The eighth part is about the people's councilors and the judicial investigation, the people's councilors are allowed to participate in the judicial investigation, and they are also given the right to oppose all the chairpersons appointed to this meeting. The People's Counsel decides not only the fact of the crime but also the amount of punishment, and they have the right to reduce the punishment prescribed by law according to their belief, until the accused is exempted from any punishment.

The ninth part deals with complaints, pardons and restoration of rights. In particular, it is not allowed to appeal against the verdict of acquittal, mitigation of punishment and complete release of the accused from punishment.

The tenth part provides rules on the execution of decisions and sentences. In particular, the decisions

and judgments of the elected executive bodies will henceforth be implemented in accordance with the previously effective order, replacing the members of the police where the Red Guard is present. And in the eleventh part, about existing laws, that is, when considering civil and criminal cases, the court shall follow the civil and criminal laws in force until now, provided that they are invalidated by the decisions of the Central Executive Committee and the Council of People's Commissars. in the event that it is not done and does not contradict the law [7. 473].

Finally, in the last and twelfth part, the general rules are defined that preliminary determination of boundaries for regional people's courts, determination of the number of elected members, as well as control of the Supreme Court, convening of the first sessions belonging to the People's Commissariat of Justice [7. 474].

CONCLUSION

Therefore, the Bolsheviks, who came to power after the Russian Empire was abolished, called themselves the legal heirs of the Russian Empire. But not a monarchy like an empire, on the contrary, the middle class of workers and soldiers announced state traps that protect the interests of the peasants. The Soviets also did not want the colonial nations under the empire to become independent, so they tried to save them as much as possible. In particular, in the reforms made in

the management system, the socialist ideology was instilled into the activity content of all bodies. For example, Lenin said about this... we did not reform the old court, we ended it immediately, we turned it into a tool of the socialist society. [8. 210] The Soviet authorities were so cunning that they implemented reforms in the political life of the Turkestan region not at once, quickly, but slowly. As seen above, as evidenced by the decrees adopted by the court, only some changes were made in the first year of 1917, and by 1918, the scope of the reform expanded and many innovations were introduced into the judicial system. The traditional courts in Turkestan, which were functioning during this period, submitted reports only to the RSFSR. That is, it was not independent. Also, cases of state importance were handled through central court bodies. Thus, Decree No. 1 unified the multi-system model of the judicial system of the period before October, and Decree No. 2 completed it. [9. 107]

The first regulatory document that laid the foundation for the formation of the Soviet judicial system was the decree adopted by the Council of People's Commissars on December 7, 1917 [10 251].

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