

Formation and development of the military prosecutor's office in Turkestan during the Russian empire period

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Abstract: This article analyzes the formation and development of the prosecutor's office, particularly the military prosecutor's office, in the Turkestan region after its occupation by the Russian Empire. Based on historical sources, it illuminates the activities and functions of this institution.

Keywords: Military district, Turkestan, military prosecutor's office, justice, Tsarist Russia, statute, governor-general, supervision, emperor, court, protest.

Introduction: Examining the history of statehood in countries around the world, we can be certain that in the emergence, consolidation, and defense of early states, the formation and development of structures and positions responsible for overseeing the implementation of rules and regulations was a decisive factor. In this regard, the military exercised authority in areas including legislative oversight and judicial affairs.

It is worth noting that the state body now called the "prosecutor's office" and the position known as "prosecutor" were first introduced in the Russian Empire on January 12, 1722. This occurred with the establishment of the Senate by decree of Peter I (1672-1725), the first Emperor of the Russian Empire, to oversee the execution of laws.[1]

By imperial decree, Count Pavel Ivanovich Yaguzhinsky was appointed the first Prosecutor General, about whom Peter I said, "Here are my eyes and ears, through which I see everything." [2]

The Prosecutor's Office was tasked with overseeing compliance with legislation in the Senate's activities, and subsequently in all state bodies. From this period onwards,

it would not be an exaggeration to say that the prosecutor's office and prosecutorial activity began to occupy an important place in the system of state administration.

In the Russian Empire, the Ministry of Justice was

established in 1802, and the Prosecutor General simultaneously held the position of Minister of Justice. The provincial prosecutor's offices became local bodies of the Ministry of Justice.

On November 20, 1864, Russian Emperor Alexander II approved the Judicial Statutes coordinating the activities of the prosecutor's office. These Statutes were gradually implemented throughout Russia.[3]

After the prosecutor's office was granted the authority to oversee court matters in 1864, a prosecutor's office began to form that was subordinate from the bottom up, independent of local, administrative, and judicial bodies. It was during this period that investigators were subordinated to the prosecutor.

However, during this period, the prosecutor's office was not organized as a separate body, and its functions were performed by military governors. Military governors carried out tasks such as reviewing the materials of criminal cases during preliminary investigations, sending cases to court, dismissing them, returning them for further investigation, participating in trials, and supporting prosecutions.

According to historical sources, as a result of the military judicial reforms carried out in 1867, the General Military Prosecutor's Office of the Russian Empire was established.

After the conquest by Tsarist Russia, at the end of the 19th century, a state body called the "prosecutor's office" and a position called "prosecutor" were

introduced to the Turkestan region. The prosecutor's office was organized and developed under the jurisdiction of the courts. It can be said that this is how the Military Prosecutor's Office, as it is called today, came into existence.

From the 1840s, the troops of Tsarist Russia occupied important strategic territories of the region and established the Turkestan region,

which was administratively and militarily subordinate to the Orenburg Governor-Generalship.

The legal basis for the administration of the Turkestan region, the introduction of a corresponding legal order, and the regulation of relations between the colonial authorities and the local population was the "Provisional Regulation on the Administration of the Turkestan Region" of August 6, 1865.

According to the regulation, all power in the region was in the hands of the military governor, who was appointed by the Emperor based on a joint nomination by the Orenburg Governor-General and the Minister of War of the Russian Empire.

The main task of the military governor's administration was to ensure peace and security in the region by establishing the foundations of governance. It was granted the right to control the lifestyle, land use, and other legal relations of the local population.

In carrying out military-civil administration in the region, the military governor's office was granted broad powers and was headed by a Russian military officer. He was appointed and dismissed by order upon the recommendation of the military governor.

The head of the office was subordinate to the military governor and was accountable to him. His legal status was equivalent to that of the Chief of Staff of the Military Governor.[4]

In the system of the administrative apparatus of the Russian Empire in Turkestan, "military-civil management" was observed, and great attention was paid to personnel issues. Provincial governors - military governors - were appointed by the Emperor. They simultaneously possessed both military and civilian authority.

In the military sphere, they were commanders of troops (division or corps) in the provinces, and in civil matters, they were governors.

All administrative, police, and judicial powers were also under their control. Military governors had provincial administrations, which had the rights of provincial administration. All issues of the social life of the region were considered in these departments.

After the conquest of Tashkent by the Russian Empire

(from 1865 to 1917), the administrative position of khokim of Tashkent was introduced. During this period, the hokim was elected by the city дума for a term of 4 years and approved by the Minister of War on the recommendation of the Turkestan Governor-General.

The institution of direct prosecutorial supervision in the territory of Central Asia was provided for in the draft Temporary Statute on the Administration of the Turkestan Krai, adopted in 1867.

The draft was submitted for revision to higher state institutions, and before that, the Governor-General of Turkestan was authorized to change the regional court. In 1867, Konstantin Petrovich von Kaufman was appointed Governor-General of Turkestan. He did not exercise his right to separate the prosecutor's office from the judiciary at the time of the judicial reform, citing financial problems. Because in the staff of the judicial bodies of the Turkestan Krai, there were also military judicial commissions (dealing with crimes against the government, attacks on postal and military transport, robbery, arson, open resistance to the government, etc.).

Since there is a special body in Russia that carries out prosecutorial supervision, the Provisional Regulation "On the Administration of the Turkestan Krai" provides for the implementation of prosecutorial supervision over the observance of laws by courts in the Turkestan Krai. However, since the creation of special prosecutor's offices was not envisaged, the authority to conduct special prosecutorial oversight was assigned to the Governor-General and regional military governors.

This approach to governance, in turn, gave the Governor-General and the military governors of the provinces subordinate to him unlimited absolute monopoly. Although they had military knowledge, they were not sufficiently competent in law.

In 1868, according to the draft Temporary Statute "On the Administration of the Turkestan Krai," the administration of judicial and legal matters was entrusted to the Governor-General of Turkestan, and Russian courts were organized and established in the territories where Russians lived. Criminal and civil cases arising among Russian citizens in Russian settlements in the territory of the Bukhara Emirate were considered by military commanders. They are endowed with the powers of a prosecutor and a court investigator. For the indigenous population, the laws of Sharia were in effect. Any crime was reviewed and investigated by a judge and punished.

According to the Statute of the Russian Empire "On the Administration of the Turkestan Krai," adopted on June 12, 1886, changes were made to the activities of the courts. The positions of regional prosecutor, assistant

prosecutor, and court investigator have been introduced. Article 2 of the Regulation will include a provision stating that "Regional prosecutors and their assistants operate under regional courts for prosecutorial oversight." With this document, the activities of the prosecutor's office (as it is called today) were established for the first time in the Turkestan region.

In 1887, the draft of this Regulation was officially approved, and a special body for overseeing the implementation of laws in Turkestan - the prosecutor's office, as well as the positions of prosecutor, his assistant, and investigator - were introduced.

In the Turkestan Krai, according to its three independent administrative-territorial entities, there were three prosecutors (the governor of the Syrdarya region, the head of the Zarafshan district, and the head of the Amu Darya department).

In the same year, prosecutor's offices were established under the courts of Syrdarya, New Margilan, Samarkand, and Verny (Almaty) regions, administratively subordinate to the Minister of Justice of Russia, based on the administrative-territorial principle.

The Prosecutor's Office in Turkestan, as the main part of the Prosecutor's Office of the Russian Empire, implemented the laws of the empire and oversaw the implementation of laws.

On June 2, 1898, the Decree "On the Application of Court Statutes in the Syrdarya, Samarkand, Fergana, Semirechensk, Ak-mola, Ural, and Turgay Regions" was published. It strictly stipulates that only Russian citizens can be appointed to judicial positions.

In 1899, the prosecutor's office in the Turkestan Krai consisted of two branches: the prosecutor's office under the Judicial Chamber and the prosecutor's office under the district courts. The district prosecutor was subordinate to the prosecutor of the court chamber, and the prosecutor of the court chamber was directly subordinate to the Minister of Justice. The entire prosecutor's office was headed by the Prosecutor General, who was simultaneously the Minister of Justice.

At this time, the activities of the prosecutor's office were carried out in three directions, namely:

1. Initiation of criminal cases, inquiry and preliminary investigation and control over them, referral of criminal cases to the court, conviction of the accused before the court, filing protests against sentences, giving instructions for their execution;
2. Control over the compliance of the activities of the judicial body, as well as participate in meetings of the

Department of the Tashkent Judicial Chamber with the participation of the board and the Judicial Council with instructions on the implementation of the law, the identified shortcomings, and the application of disciplinary measures;

3. Control of detention facilities and proper placement of prisoners in prisons.

This procedure was in effect until 1917. However, it should be noted that these rules directly contradicted the Sharia norms applied by the Qazi courts in Turkestan.

Historical information about the development and formation of the prosecutor's office in European countries, especially in France and Russia, is widely covered in V.I. Baskov's textbook "Course of Prosecutorial Supervision" for higher educational institutions.

The book shows that until 1917, the prosecutor's office was considered a strong punitive body protecting the reactionary state system and ceased to exist along with Tsarist Russia.

The history of the development of the Prosecutor's Office testifies to the fact that in the past, it, as a state body, within the framework of state-defined functions, performed tasks ranging from universal oversight of everyone, including citizens, to the protection of private and public interests.

In short, the position and task of overseeing the implementation of laws ensuring the rights of the state and society, man and citizen has existed in Uzbekistan not since the 19th century, but since the distant past, that is, in the regions of Central Asia, the terms "prosecutor" or "prosecutor's office," which are used today, were not used, but we can conclude that in certain societies, the implementation of laws specific to them was carried out in accordance with the methods of that time and by regulatory state bodies (officials).

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