



PERSONNEL PROBLEM IN THE COURT SYSTEM OF THE UZBEK SSR IN THE SECOND QUARTER OF THE 20TH CENTURY

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Article history:	Abstract:
Received: June 14 th 2023 Accepted: July 11 th 2023 Published: August 20 th 2023	This article describes the personnel problem in the judicial system of the Uzbek SSR in the second quarter of the 20th century. The article also scientifically analyzes the national composition of judges, the level of higher education and the repression of representatives of the field by the authoritarian Soviet regime.

Keywords: Supreme court, regional court, people's court, judge, lawyer, training course, mobilization.

1.RELEVANCE. As a result of the last seven years of reforms, the necessary political-legal, socio-economic and scientific-educational foundations for the establishment of New Uzbekistan were created in our country. In the following years, based on the principle of "For the dignity of man", after analyzing the complex processes of the world scale and the results of the development of our country, reforms aimed at further increasing the well-being of our people, transforming economic sectors and rapidly developing entrepreneurship, unconditionally ensuring human rights and interests, and forming an active civil society. setting priorities has become the main goal. As a result of a broad public discussion, the continuation of judicial reforms in the Development Strategy of New Uzbekistan for 2022-2026, which was developed based on the principle of "Strategy of Actions - Towards a Strategy of Development", was included in the second line of important issues in seven directions. Therefore, it is not wrong to say that the requirements for the judicial sphere in the action strategy are aimed at ensuring the continuity of the started reforms, while maintaining the importance of the development strategy. Studying and researching the history of the judicial system, which is an integral part of the history of statehood, is one of the urgent tasks facing the history science.

2. RESEARCH METHODOLOGY. This article is covered on the basis of historical methods - historicity, critical, comparative-logical analysis, sequence, principles of impartiality. The article describes the state policy implemented in the field of personnel in the judicial system of the Uzbek SSR in the second half of the 20th century. The issue of personnel in the judicial system of the Uzbek SSR was studied by the legal researchers of the Soviet era, Kh. However, in the works of these researchers, under the influence of the ruling ideology, one-sided thinking is carried out, and there is no mention of conflicts in the judicial system, repressions carried out by the Soviet authorities. In the history of the country, the problem of personnel in the judicial system of the Uzbek SSR has not been studied as a comprehensive scientific problem.

3. RESULTS OF THE RESEARCH. In 1924, the permanent Soviet government, following the slogan of "divide and rule", carried out national-territorial delimitation in Central Asia, and as a result, the Uzbek SSR was formed. The Revolutionary Committee of the Uzbek SSR under the leadership of Fayzulla Khojaev had the extremely responsible task of ending the courts that differed from each other in the territories that became part of Uzbekistan from the former Turkestan ASSR, Bukhara SSR and Khorezm SSR and establishing a single judicial system in the entire republic. On November 26, 1924, at the meeting of the Revolutionary Committee of the Uzbek SSR, Fayzulla Khojaev gave an order to the People's Commissar of Justice, Ghoziev, to coordinate the regulatory documents about the court[1].

On February 13, 1925, the First Congress of Soviets of the Uzbek SSR was opened in Bukhara, and on February 17, the "Declaration on the Establishment of the Uzbek Soviet Socialist Republic" was adopted. In the initial period, a judicial system was established in Uzbekistan, consisting of the people's court, the regional court, the Supreme Court of the Tajikistan ASSR, and the Supreme Court of the Uzbekistan SSR. One of the biggest problems in Soviet courts was personnel.

According to the official publication of the People's Commissariat of Justice, by the middle of 1925, there were 74 people's courts in Uzbekistan, which were distributed by region as follows: 21 in Fergana, 23 in Tashkent, 20 in

Samarkand, 3 in Zarafshan, 3 in Kashkadarya, 3 in Khorezm, and 3 in Surkhandarya. 1[2,-P.61]. According to the report, one people's judge in the Uzbek SSR had to serve an average of 54,000 people. By 1926, the number of people's courts increased slightly. For example, as of August 1, 1926, there were 34 people's courts in Ferghana, 22 in Samarkand, 21 in Tashkent, 11 in Zarafshan, 7 in Kashkadarya, 7 in Khorezm, 6 in Surkhandarya, and a total of 108 people's courts throughout the republic [3].

In 1925, the total number of regional court judges within the Uzbek SSR was 41, 9 judges worked in Tashkent regional court, 8 in Samarkand, 6 in Ferghana, 5 in Zarafshan, 5 in Kashkadarya, 5 in Surkhandarya, 3 in Khorezm. 29 judges of the regional court were Uzbeks and 12 Europeans[2,-P.61].

The first composition of the Supreme Court of the Uzbek SSR is a total of 7 people: the chairman - A.Sh. Sharafutdinov, the first deputy chairman of the trial panel - I.M. Chudaev, the second deputy chairman of the cassation panel B.A. Sharopov, the members are Said Akhmatov, Upelnik, Ryakhovsky, Haji Oral were appointed [4]. By December 1925, the new composition of the Supreme Court: Chairman - S. Kasimov, his deputy - Chudaev, members of the Supreme Court Sarimsakov, Trofimov, Pinevich, Khushmanov, Aliev were elected by the MIQ of the Uzbekistan SSR.

The situation in the Kashkadarya, Surkhandarya and Khorezm districts of Uzbekistan was particularly sad. Even judges were appointed to the post of Soviet People's Judge due to lack of specialists. For example, the representative of the People's Commissariat of Justice, Kurbanov, gave the following information about the activity of the people's courts in Kashkadarya district: "There are 9 people's court precincts in Kashkadarya district. The number of judge courts in the district is 14. There is a shortage of specialists for Soviet people's courts. The increase in the number of people's courts is taking place at the expense of the liquidated judges' courts. Former judges are being turned into people's judges" [5]. That is, there was no increase in people's courts, only the names of judges' courts were changed, and there were no serious changes in their activities.

At the end of the 20s of the 20th century, purges were carried out in the judicial system of Uzbekistan. In particular, S. Qasimov, who served as the chairman of the Supreme Court of the Uzbek SSR, and his close colleagues were imprisoned in the second half of 1929. From March 25 to June 21, 1930, case number 73 was considered at the mobile session of the Supreme Court of the USSR in the city of Samarkand. This is known as the "Kasimovchik" case in Soviet history. About 30 court and justice officials were tried and brought to criminal responsibility under the leadership of the former chairman of the Supreme Court of the Uzbek SSR, Sadulla Kasimov, and many of them were shot. S. Kasimov and his supporters were accused of abusing their positions and freeing "printing criminals".

Due to the implementation of "purification" in the judicial system by the permanent Soviet authorities and the frequent replacement of judges by the executive committees, the judicial system was paralyzed. On March 25, 1930, the instructions of the People's Commissar of Justice stated the following information: "Newly appointed personnel are not able to get used to work and adapt quickly. The most pressing issue is the lack of personnel. Among the newly appointed judges and investigators, there are not only people with weak perception, low training, but also illiterate people" [6]. This is confirmed by the following information. By 1930, 5% of all judges in Uzbekistan had higher education, 17% had secondary education, 14% had incomplete secondary education, and 64% had primary education[7].

On July 27, 1936, the People's Commissar of Justice of the Uzbek SSR Saidali Khojaev submitted a report on the results of the inspection of the people's courts to the People's Commissar of Justice of the USSR N.V. Krylenko. According to him, 35 percent of the people's judges in the Uzbek SSR reported that they were dismissed because they did not have enough knowledge and skills and regularly violated the law. In particular, according to the results of the inspection, 66 people's judges were sent to study for retraining, 61 were dismissed, and 14 were transferred to a lower position [8].

In 1937, 209 people's courts were registered in the Uzbek SSR, but 201 of them were functioning, and the remaining 8 were not functioning due to the lack of specialists. The level of knowledge of the existing 201 people's court judges in Uzbekistan in the legal field was as follows: 10 had a higher education, 15 had an elementary education, 74 had completed a three-month training course for lawyers, and 102 did not have any knowledge in the field of law[9]. Judging from the above figures, more than half of the judges of the people's court in Uzbekistan did not have special knowledge in the field of law.

The shortage of legal experts was not only in Uzbekistan, but also in all the republics of the former Soviet Union. For example, one of the central publications of Soviet justice published the following information: "At the moment, the legal training of the current composition of judges is at an extremely low level. As of January 1, 1937, 2,202 out of 4,616 judges in the RSFSR did not have a higher education, or even a law degree. The situation is similar in other allied republics. 206 out of 311 judges in Belarus, 170 out of 239 judges in Georgia, 305 out of 490 judges in Uzbekistan, 735 out of 1264 judges in Ukraine do not have legal education" [10. -S.10-11]. When giving information about 490 judges in Uzbekistan, the entire judicial system, in particular the judges of military tribunals and line courts, is also included.

The situation in the regional courts was also not satisfactory. In 1938, there were 21 full-time employees working at the Tashkent Regional Court, but 14 people worked due to the lack of specialists. A similar situation prevailed in other regions. In particular, 13 judges worked in Bukhara region, 12 in Samarkand region, 12 in Ferghana, and 7 in Khorezm. 11 of the regional court judges in the entire republic had higher education, 18 had secondary education, and 34 had primary education[11].

In 1938, 25 full-time employees worked in the Supreme Court of the Uzbek SSR. 7 of them had higher, 9 secondary and 9 primary education[12].

According to archive documents, in 1937-1939, 541 judges were dismissed from their positions in the judicial system of the UzSSR. Only in 1939, 57 people's judges, 15 regional court judges, and 14 UZSSR Supreme Court judges were released from their positions for various reasons[13]. In particular, 17 of the dismissed people's judges abused their duties, 13 failed to perform their duties, 13 refused to work in this field, 5 moved to another job, 4 had their close relatives convicted, 2 were lax in their duties, 21 person was dismissed due to changes in his life, 1 person violated the labor law and 1 person was called up to serve in the armed forces.

Between 1937 and 1939, the people's court precincts with the highest shortage of personnel in the republic were the following: people's judge of the 17th precinct of Tashkent city 7 times, people's judge of the 96th precinct of Karmana district of Bukhara region 6 times, people's judge of the 12th precinct of Tashkent city 5 times, The people's judge of the 4th district of Khiva district of Khorezm region changed 5 times, the people's judge of the 63rd district of Andijan city of Fergana region 4 times, the people's judge of the 75th district of Samarkand city of Samarkand region changed 3 times. According to the archive documents, the number of people's judges who completed their term of office in the UZSSR in 1937-1939 was only 6 or 2.6% of the total number of people's judges[14].

In 1939, 68 judges worked in regional and district courts. 17 of the judges have a higher legal education, and 28 of them have completed the training course for lawyers. The remaining 23 judges did not have special knowledge in the field of law. It can be said about the national composition of regional and district judges that 44 of them were representatives of indigenous peoples, 12 were Russians, and 12 were representatives of different nationalities. 51 regional judges are men and 17 are women[15].

By 1940, the composition of regional and district courts in the Uzbek SSR was determined to consist of 65 state units. In practice, 58 judges worked, and the remaining 7 positions were declared vacant due to the lack of specialists. The situation in regions was as follows: there were 15 judges in Tashkent regional court, 13 in Ferghana, 11 in Bukhara, 9 in Samarkand, 6 in Khorezm, and 4 judges in Surkhandarya regional court[16].

On August 3, 1939, the Supreme Soviet of the Karakalpakstan ASSR made a decision to elect the Supreme Court of the autonomous republic. According to this decision, the composition of the Supreme Court of the Karakalpakstan ASSR consisting of the chairman, his deputies, 9 members and people's advisers was elected.

In 1939, the composition of the Supreme Court of the Uzbek SSR was determined to consist of 25 state units. Due to the lack of specialists, 3 state units were declared vacant.

12 members of the Supreme Court of the UZSSR had higher, 3 secondary and 7 primary education. 12 of the judges of the Supreme Court have a higher legal education, and 2 of them have completed the training courses for lawyers. The remaining 8 did not have special knowledge in the field of law.

During the war, some of the judges serving in the judicial system were mobilized to the front. As of 1942, this figure was 20-30% in some regions. For example, 8 out of 24 people's judges in Fergana, 6 out of 36 people's judges in Bukhara region were mobilized for the war. A similar situation is observed in regional courts. In particular, 5 judges of Bukhara regional court, 2 judges from Fergana, 2 judges from Andijan, 2 judges from Tashkent region were mobilized to the front [17].

The People's Commissariat of Justice of the UZSSR faced the difficult task of filling the places of judges mobilized to the front with personnel. Candidates for the position of judge are selected from the reserve and among people's councilors. But this measure is not always effective.

The Tashkent Legal Institute, which was temporarily suspended in 1941 due to the war, resumed its activity in 1942. In August 1943, the People's Commissariat of Justice of the Uzbek SSR opened 4-month training courses for lawyers in Tashkent and 6 months in Samarkand. In the Supreme Court of the Uzbek SSR, the procedure for internship for regional judges was established for one month, and for people's judges in regional courts for 10-15 days. Until January 1, 1944, 40 people's judges practiced in regional courts.

Nevertheless, by the end of 1945, the number of highly educated judges in the judicial system of the Uzbek SSR was low. That is, 11 highly educated lawyers worked in the Supreme Court, 27 in regional courts, and 56 in the composition of people's judges [18].

4.CONCLUSION. In conclusion, in the second quarter of the 20th century, the issue of lack of personnel in the judicial system of the Uzbek SSR did not find its solution. As a result of the pressure of the permanent Soviet authorities, judges were often dismissed from their positions, an atmosphere of staff shortage was created, and it did not allow the representatives of the field to acquire sufficient knowledge, skills and experience. Even from such a situation, it opened the way for some persons who think of their personal interest, who tried to cooperate with criminals, to occupy the position of judge. The mobilization of judges to the front has aggravated the problems in the judicial system of Uzbekistan. The number of erroneous judgments and decisions made by newly elected judges has increased dramatically. Gross violations of procedural norms were rampant. The situation began to stabilize very slowly. Thus, in the second quarter of the 20th century, most of the judges in the Uzbek SSR did not have sufficient knowledge and experience in the field of law

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