

# Organization and Activities of Judicial Institutions in the Bukhara People's Soviet Republic

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## ABSTRACT

This article covers the issues of the establishment of judicial institutions in the Bukhara People's Soviet Republic and its role in ensuring public security. The author also noted in the article that the peoples kazi courts have the right to hear criminal cases committed by citizens, the crimes of officials, crimes against the state and military crimes are considered by the Supreme Military Revolutionary tribunal.

**KEYWORDS:** Court, prosecutor's Office, lawyer, natarial offices, militia, Public Security, kazi courts, Emir mirshabs of emir, contract, Red Army, Criminal Investigation, Reserve-sanctuary, detention center, Revolution, Soviet, bolshevik

## Introduction:

At the time of the existence of the emirate in Bukhara, the judges performed the functions of the court, prosecutor's office, advakatura and notary offices, which are considered today's justice system. In the emirate of Bukhara, kazikalon was considered the Chief Judge of the country and the capital. In addition, Qazi-ul quzzot is a career that is considered qazi, who controls the Qazi [1]. Also, Qazi was referred to as Qazi – Qazi askar in military affairs, while Qazi was the chairman – supervising compliance with Sharia rules..

The emirate of Bukhara has also undergone a number of judicial reforms and positive changes. In particular, the judicial-administrative reforms of the reign of Amir Shohmurad (1785-1800) allowed for the end of wrongs in the conduct of judicial proceedings in the country, the implementation of trials by the qazi in a certain level of Justice, Justice and humanism.

**Methods:** Another important aspect of these judicial reforms can be seen in the fact that a party dissatisfied with Qazi's sentence won the right to appeal to Qazi-ul-quzzat or the Emir. Kazikalonga or a complaint written in the name of the Emir was studied, and Kazi's sentence could be reasonably overturned by Kazi-ul-quzzot, and his decision could only be reversed by the Emir. The judicial reforms carried out by Amir Shahmurad were of progressive importance in their time not only for the Emirate of Bukhara, but also for other khanates. At the same time, Emir Shahmurad also made certain changes regarding the organization of the judiciary, in particular the appointment of the lower court judges. Consequently, on the direct initiative of the Emir Shahmurad, a Chamber of the Supreme Court (qazihana) was formed in a composition of forty nobles (lawmakers). In this chamber, the arz and the grievances, written in displeasure with the Qazi's judgment, were dealt with along with Sharia norms on the basis of a set of rules drawn up by Amir Shahmurad. In the court chamber, the plaintiff had the opportunity to personally participate in the hearing of the arz or complaint [2].

After the "revolution" in Bukhara, the courts of the former Emir (Kazakhs) began to be replaced by new Soviet courts, and these were subordinated to the Ministry of Justice. Two different people's courts were introduced in the BXSr. These are the people's kazi courts and the Soviet courts. Russian settlements-New Bukhara, Chorzhuy, Termez and Karki- had Soviet courts from November 1917, acting under the laws of the RSFSR. Control of the Ministry of Justice is established over the activities of the people's courts in Russian settlements. If complaints, protests and disagreements arise over them, the people's Kazakh Soviet in Old Bukhara has revised the cases. Immediately after the establishment of Soviet power in Bukhara, ring pile courts are established in 38 regions and districts by local revkoms. By early 1924 they numbered 57 [3].

The kazi courts, formed in the cities and villages of the People's Soviet Republic of Bukhara, in their decisions and judgments were supposed to apply the right to Sharia and custom only in cases where they were not opposed to revolutionary legal consciousness and the legislation of the current Soviet government.

In the Old City of Bukhara, as a court of first instance, 3 people's kazi courts and one people's Soviet court for the Russian population in the city were established. In addition, a Council of people's judges is established under the Ministry of Justice as a Supreme Judicial instance of Cassation. The people's Kazakh courts have dealt with all criminal and civil cases except for cases related to the position within the borders of districts and regions, crimes related to the state and its deprivation, as well as those committed by military personnel or done by civilian residents associated with "bosmachilik".

In old Bukhara (for Bukhara, Chorjuy, Karmana, Qarshi and Shahrissabz regions) and Dushanbe (East Bukhara districts of Guzar, Gharm, Kulab and Sherabad), a complaint could be brought for a month regarding the conviction on the judgments and decisions of the judges of the people's courts of the Ministry of Justice [4]. The councils of these people's judges are the supreme judicial bodies of the Republic, which consider the complaints of judgments and decisions made by the people's Kazakh courts in a case-by-case manner, and can overrule decisions and judgments.

The Council of people's kazis exercised the right to audit the decisions of judicial institutions of the civil justice. The Council of People's kazis consisted of one permanent chairman appointed by the Ministry of Justice and approved by the All Bukhara Central Executive Committee, as well as permanent members of the council appointed by the Ministry of Justice, three people's kazis.

At the same time, the names of some of the people's kazis active in the BPSR from 1923 to 1924 are kept in archival funds. For example, people's Kazi of Karmana region – Mulla

Boboqul Hasanov, people's Kazi of Khairabad – Mulla Hasan Abdusalomov, people's Kazi of Rometan – Mulla Sharif Usmankhojaev, people's Kazi of Olot – Niyozov Kurban, people's Kazi of Khargos – Mukhtarkhoja Bafokhojaev, people's Kazi of Korovulbazar – State Khudoyarov and Zandana village people's Kazi – Hasankhoja Buzrukhojaev [5] the S were engaged in local court cases in the Republic.

Institutions in the Republic until the adoption of the "regulation on the structure of the court in the BPSR" in 1924:

1. from the city, province (oblast), district (uyezd) and kent (raion), which differ from each other only in the importance of the case under consideration and the scope of the judicial area;
2. from the people's Soviet court in Russian settlements;

It consisted of the Supreme Court instance and for the people's Kazakh courts, and for the Soviet courts – the people's kazi council [6].

At this time, the Center began to take a number of measures to maintain order in the newly formed Soviet republics. To this end, at the initiative of the Communist Party, state control bodies were offered to purge Turkestan, Bukhara and Khiva of anti-Soviet elements, to repel the sin of all "basmachis" who wanted to return to peaceful labor to the Soviets, to return the Waqf lands to their former owners, as well as to show open spirit to the prosecution of local kazis. The government of the Bukhara people's Soviet republic found it necessary to cleanse the people of foreign elements and pull the working people's representatives into the government [8].

The revolutionary government of the Bukharan People's Soviet republic, led by Fayzulla Khojaev, included representatives of Turkmens (Annakeldi Omonov), national intellectuals (Abdurauf Fitrat, Sadridin Ayni, etc.), trade Soyuzs of the peasant Union (Boymurodov) (Zhuraboev) and others. On May 25, 1922, the Central Executive Committee of the BPSR adopted directives to return the Waqf lands to their previous owners and to allow publicity to the operation of the Qazi Court [9].

In 1923, a general congress of kazis was held by the Ministry of Justice of the Bukhara People's Soviet Republic. About the opening of this Congress, the Press quoted: "the general congress of the people's kazis was opened on March 17, 1923 at 11 o'clock in the club "Fayzulla Khojayev" by the overseer of Justice Abdurahim qori Yusufzoda. This club was decorated with posters with various flags and special slogans on the outside and inside. In the middle of the scene was a picture of our great guide Fayzulla Khojayev" [10].

The general congress of people's kazis was attended by the chairman of the Central Executive Committee Porso Khojayev, the deputy chairman of the Council of Ministers Ato Khojaev, the chairman of the people's Supreme Economic Council Muinjon Aminov, the minister of Justice Abdurahim qori Yusufzadeh, and the deputy military Ministry Hasanov. For the first lecture, the word is given to Minister of Justice Yusufzadeh, who in his speech says: "Dear kazis! I will not speak in this place what tragic cases we forgive when the issue of Russia of our country fell. Somehow this fact is known to everyone. Alone I will say that after the revolution in Russia, this day's friend, we finally did not endure and we also formed a people's government, taking power from the treacherous Emir who sold our land to foreigners. Because

even the peasant, whose economic, scientific, cultural, political aspects came to the point of complete disappearance, made up the social situations of our workers, and there was no other way for peace. A great achievement was the fact that peasants and hard workers, who suffered under a severe occupation and did not go beyond their village or their own city, did not see people who spoke another language, took the whole power into their own hands"[11].

Yusufzoda, the Minister of Justice of the Bukhara People's Soviet Republic, comments above mainly on the friendship of bolshevik Russia and the fact that the people took power after the overthrow of the Emir's power in Bukhara. After that, he also expressed his opinion on justice, law and the rule of law: "two and a half years ago, a revolution broke out with the Holy wishes of the Emir's government. As you know, the basis of our revolutionary government is being built on Justice. With a revolutionary country without justice, there will be no difference between a second country. The purpose of the people's khukumat is to establish the right and the rule of law, if only it. To ensure the peace of the whole people who were in our country, we needed a special office to judge in a fair picture in the old administration. It was the organization of our Justice oversight. You have worked at the disposal of Justice control to this day with the services of the most holy and great responsibility of the noble kazis. But therefore, there would be no fragmented attitude between control from comprehension through all sorts of software and papers. Here is the construction of this day, when suddenly the real attitude and sincere familiarity between the center and the kazis also cause awareness of the second law of Justice helps to solve our important issues that have been queued to determine our cases" [12].

After the lecture of Justice Minister Abdurahim qori Yusufzadeh, the chairman of the PLO people's high economic Show Muinjon Aminov sent a message. In his lecture, he notes that there is a great difference between old government-era sentencing cases and today's sentencing cases: "going out all over the countryside, kent, districts or provinces, to turn on the light of justice between our farmers and labourers, the centrist government is well aware that it expects help from the kazis without being able" [13].

Ato Khoja, Deputy Chairman of the Council of ministers, finally congratulated the Congress on behalf of the Council of Ministers. At the same time, in his congratulatory speech, he shows great admiration for the Kazakhs. In the old time, the Emir and his loved ones said: "We wish the side of the people and the working people, but he is opposed by the scribes..."and those who blame our scribes realize that this has worked in the same way as the halq government of these scribes. To achieve the lightness of our glue, the people will express success in their path to their pile [14].

In April 1923, the first congress of Soviet courts and general people's kazis was convened in the Bxsr. At this Congress, the first word is given to a member of the government of the BXSr, Justice Khoja. In his lecture, Adil Khoja talks about the government, which is considered the management of peasants and laborers, fighting for the peace, peace of the people, the "printers" led by Salim pashsha, who put the country's territories in dire straits in Eastern Bukhara, as well as the situation in Afghanistan [15].

After the Adil Khoja lecture, Abdurahim Yusufzadeh, the Minister of Justice of the BPSR, speaks. The overseer of

justice will talk in his report about how many employees are in the presence of this control, the tasks, responsibilities of employees, the amount of employees in the relevant region, district and Kentish and their past and present tasks. The procedures in the Department of Justice also provide relevant information about the employees who performed and could not fulfill their duty, and says: "justice supervision appeared to be the most responsible institution during the revolution. His activities depend on life and life in our country and the fate of our people in the days to come." [16].

The first congress of the Soviet courts and the general people's kazis will decide as follows after the lecture of Abdurahim Yusufzoda, the Justice Minister of the USSR:

1. The all affairs of the people's Justice control, which became the organization of this day, state that the various charters and programs and teachings issued on the way to work were a matlub for our revolutionary life. Justice control provides the appropriate guidance for the continuation of its work in order;
2. Even if the control of justice for the freedom, tranquility, progress of our glue has reformed and made their work, we will give a word of mouth to the Lord to execute the whole works that the people's stakes have received by this control;
3. Appointed by our people and our government to the service of Justice control, Yusufzoda was a known revolutionary, a religion very firmly connected with acquaintances and the spirit of the people by the current laws of social life, and we ask the people's kazis to pay attention to this service of this comrade, the kazis working and our government to these requirements [17].

The District Court was considered a court of Cassation of the second instance in relation to the people's kazi courts operating within the boundaries of this district. In the presence of the District Court, Cassation collegias for criminal and civil cases were established, each of which consisted of the chairman of the Collegium and two permanent members. The District Court's Cassation Collegians had handled criminal and civil cases that came to them by the parties and the prosecutor's protest. They could make final decisions or adjudication decisions that invalidated the previous decision or judgment of the people and the court of the stake, and also send the case for review at another stake Court. The District Court, as a court of first instance, could consider crimes against the state, crimes of officials and civil claims worth more than 1000 rubles [18].

At the first instance, the consideration of criminal and civil cases was assigned to the chairman of the district court himself, as well as to criminal, civil judicial colleges, which were chaired by the deputy chairman of the District Court. In the District Court, criminal and civil cases were heard as first instance in the presence of people's advisers elected by the regional executive committees.

On January 5, 1924, the "directive on the judicial structure of the BPSR is adopted. According to him, in the judicial structure of the BPSR, people's courts were created instead of the courts of the stake, and Paragraph 2 of the law limited the scope of activities of revolutionary military tribunals, imposing on them only the issue of criminal proceedings directed against the Red Army and the militia [19].

**Conclusion.** In Bukhara, despite the overthrow of the Emir's authority and the formation of a republic of the Soviet pattern, the people's courts were maintained and the Qazi operated. Therefore, the first congress of the Soviet courts and the general people's stake government recognized the stake as the body that served the two arrangements. Indeed, the Qazi were considered judicial institutions that operated both under the administration of the emirate and under the Bukhara People's Soviet republic.

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