

A LOOK AT THE HISTORY OF PEOPLE'S ADVISERS

(on the example of Soviet people's courts)

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ANNOTATION

This article describes the history of people's advisers who worked in the system of people's courts in Uzbekistan in the 60s of the 20th century. Also, the article reveals the legal basis of the people's advisers activities, their scope of authority, election processes, national composition, and passive participation in court processes.

Key words: law, people's judge, people's adviser, council of people's advisers, elections, court proceedings, national composition.

On May 21, 1959, at the second session of the Supreme Soviet of the Uzbek SSR of the fifth convocation, the Law on the Organization of the Court of the UzSSR was adopted and entered into force on January 1, 1960. Article 8 of this law stated as follows: "Courts are considered on a collegial basis. In all first-instance (court) courts, cases are heard by a judge and two people's advisers" [1.-p.5]. Article 16 states: "Every citizen who has the right to vote and has reached the age of 25 before the election day can be elected as a people's advisers" [1.-p.6]. People's advisers of people's courts are elected for a two-year term by open voting at general meetings of workers, servants and peasants at their workplaces or residences, and at general meetings of military personnel at military units.

While performing their duties in the court, the people's advisers used all the rights that belong to the judge. People's advisers are called to perform their duties on a rotating basis, but in any case for no more than two weeks a year.

The number of people's advisers to be elected to the people's court of each district (city) was determined by the Council of Ministers of the Karakalpakstan ASSR, the executive committees of the workers' deputies of the regional and Tashkent city soviets.

The procedure for electing people's judges and people's advisers is defined by the "Regulation on the Election of District (City) People's Courts of the Uzbek SSR" approved by the Presidium of the Supreme Soviet of the Uzbek SSR.

In October 1960, the Presidium of the Supreme Soviet of the Uzbek SSR made a decision to set the election day for people's judges and advisers. Based on this decision, elections for people's advisers were scheduled from November 25 to December 10, 1960 [2]. In order to successfully conduct the election, a commission consisting of 7 people was established on

October 7, 1960 under the leadership of the Minister of Communications of the UzSSR R.Kh.Yanguzarov[3].

As a result of the elections held in December 1960, 12,622 people's advisers were elected. 6379 (50.5%) of the elected people's advisers were women [4].

Since the term of office of people's advisers in the people's court is set to 2 years, the next elections will be held in 1963, 1965, 1967. For example, in the 1963 elections, a total of 16,689 persons were elected as people's advisers to the people's court and high courts. Among them, there were 6930 women, 8911 workers, 3298 collective farmers, and the rest belonged to different social strata. There were representatives of more than 60 nationalities among the 17,000 elected advisers [5.-p.37].

In January-February 1967, the next elections for people's advisers will be held. 8,984 meetings are held in various enterprises and organizations of the republic to elect people's advisers, and 4,075,831 citizens participate in them. If 16,229 people's advisers were elected in 1965 elections in Uzbekistan, then in 1967 1460 people were elected, i.e. 17689 people's advisers. 6,735 of all elected people's advisers were women, 4,925 were workers, 2,591 were collective farmers, and 8,713 were employees. 6377 of them were elected people's advisers for the first time[6].

In order to further support the activities of people's advisers, Councils of people's advisers were established. Such a new association was formed for the first time in 1959 by the people's advisers of the October District People's Court of Leningrad [5.-p.90]. This experience was later popularized throughout the Soviet Union. By 1962-1964, councils of people's advisers worked in almost all districts and cities of Uzbekistan[7]. For example, in 1964, in Andijan, Tashkent, Surkhandarya and Syrdarya regions, councils of people's advisers worked in the composition of 10-15 people. Later, this procedure was further strengthened by amending the legislation. On August 23, 1966, by the decree of the Presidium of the Supreme Soviet of the Uzbek SSR, the "Regulation on Councils of People's Advisers of the Courts of the Uzbek SSR" was approved [8.-p.19-23]. On August 25, 1966, the Supreme Soviet of the Uzbek SSR supplemented Article 31¹ of the Law on Judicial Structure of the Uzbek SSR, and the norm on the council of people's advisers was also reflected in the law [9.-p.16].

Councils of people's advisers are formed in the Supreme Court of the Uzbek SSR, the Supreme Court of the Karakalpakstan ASSR, the regional courts, the Tashkent city court, consisting of the chairman, deputy chairman, secretary and 4-11 members, and 6-18 members in the district (city) courts.

Councils of people's advisers are elected for a period of 5 years in the Supreme Court of the Uzbek SSR, the Supreme Court of the Karakalpakstan ASSR, the regional courts and the Tashkent city court, and 2 years in the district (city) people's courts by open voting at the general meeting of the people's advisers. Usually these councils were divided into 5 branches:

1. Suspicion of control over the morals of those sentenced to parole and bail;

2. Suspicion of assistance to partnership courts;
3. Suspicion of propagandizing the Soviet right;
4. Suspicion of control over the execution of court decisions;
5. Doubt of checking the execution of private rulings[5.-p.90-94].

In the Uzbek SSR, training seminars were regularly organized by judges to improve the legal literacy of people's advisers. In particular, in 1962, 1026 educational seminars were organized throughout the republic, 1168 in 1963, 1370 in 1964, and 344 in the first quarter of 1965[10]. If we take the example of Surkhandarya region, people's judges organized training seminars for people's advisers in the region 43 times in 1962, 62 in 1963, 79 in 1964, and 26 times in the first quarter of 1965 [11].

People's advisers were given very broad powers in the law "Judiciary structure of the Uzbek SSR", and this situation was reflected in a number of articles. In particular, in Article 17, people's councilors can exercise all the rights of a judge in court, in Article 34, in the case of a people's judge's temporary absence (sickness, vacation, and other similar cases), his duties are performed by the decision of the executive committee of the district (city) council of workers' deputies of the relevant district (city) were entrusted to one of the people's advisers elected from the territory [1.-p.11].

The presentation of such authority to the People's adviser has not always justified itself. It was impossible for the people's adviser, whose main work is not related to the field of justice, to participate in the court for only two weeks a year, on a public basis, to help the trial process. For example, in one of the districts of the city of Tashkent, a citizen named Nabiev was seriously ill for 3-4 years and despite being treated without going to work, his name was nominated several times for the post of people's adviser in absentia[5.-p.25]. In Tashkent, the director of one of the large factories resisted the people's advisers going to the court session saying that "they were nominated without my consent"[5.-p.26]. Shukurov, senior people's judge of Kalinin district, involved only two of 157 people's advisers to the court session during 1965. Ordzhonikidze District Judges Akhmedov and Afandieva called only 20 out of 150 advisers to court hearings in 1965[12].

Conclusion

In short, in the 60s of the last century, a lot of work was done to improve the efficiency and coordination of the people's advisers. Councils of people's advisers were established, and thousands of training sessions were conducted annually to improve their legal literacy. Nevertheless, their influence on the activity of the people's courts was unknown. In rare cases, the people's judge consulted them. In most cases, people's advisers attended the court for formalities. They signed court verdicts, decisions and other documents only in their names.

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