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IMPROVEMENT OF THE SYSTEM OF ADMINISTRATION OF JUDICIAL BODIES IN THE UZBEKISTAN SSR IN THE YEARS AFTER WORLD WAR II

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Abstract

This article analyzes the post-World War II reform of the judicial administration system in the Uzbek SSR. The study examines organizational and legal reforms in the court system, the activities of people's judges and advisors, the expansion of criminal and civil jurisdiction, and the training and professional development of judges. The results indicate that centralization of the judiciary, disciplinary oversight, and the strengthening of legal frameworks ensured effective judicial administration.

Keywords: Judicial system, Uzbek SSR, post-World War II, people's judges, judge training, legal reforms, administration system, criminal and civil cases, disciplinary control, centralization.

Introduction

In the 50s and 60s of the 20th century, organizational and legal reforms were carried out in the activities of judicial bodies, the powers of courts in criminal and civil cases were expanded, important tasks were set to ensure the rule of law, and increase the legal awareness of the population.

In the years after World War II, a number of changes were made to the Soviet judicial and legal system. The emergency procedures that were in effect during the war began to be abolished one by one. The jurisdiction of military tribunals



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in the judicial system was limited, and their number was significantly reduced. Also, wartime procedures such as the appointment of members of military tribunals, the consideration of criminal cases within 24 hours, and the non-appeal of verdicts were abolished.

Main part

On May 26, 1947, the Presidium of the Supreme Soviet of the USSR adopted the Decree “On the Abolition of the Death Penalty”[1]. This document stated that after the victory over fascism, it was no longer necessary to apply the death penalty in peacetime. According to the decree, the death penalty was officially abolished in the USSR, and a sentence of imprisonment for a term of 25 years was introduced instead.

The resolution of the Central Committee of the CPSU (b) of the Uzbek SSR “On the Activities of the Judicial Bodies of the Uzbek SSR” of September 17, 1947 noted shortcomings in the activities of the courts and set out the tasks that should be carried out to reorganize these bodies in accordance with the post-war period[2].

On July 15, 1948, the Presidium of the Supreme Soviet of the USSR approved the “Regulations on the Disciplinary Responsibility of Judges”. This document fundamentally changed the procedure for holding judges to disciplinary responsibility. To consider such violations, disciplinary boards were established at all levels of the judicial system above the people's court. The board consisted of 3 members, including the chairman of the court and two judges. According to the regulations, the disciplinary board was required to comprehensively study the circumstances of the violation, request written explanations, and conduct a case investigation by questioning witnesses. The board could impose reprimands, fines, and severe fines on judges found guilty of a disciplinary violation. If a judge



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was not subjected to another disciplinary punishment within one year from the date of imposition of a disciplinary punishment, he or she was considered not to have been subjected to a disciplinary punishment.

The need for retraining and advanced training of people's judges was also noted in the report submitted to the USSR Ministry of Justice by the Deputy Minister of Justice of the Uzbek SSR Kh. Muhiddinov on March 8, 1949. The report indicated that 68 people's judges in Uzbekistan would be sent to study at 9-month courses for lawyers. In particular, 32 people's judges from Tashkent region, 6 from Samarkand, 6 from Kashkadarya, 6 from Bukhara, 6 from Namangan, 5 from Fergana, 3 from Surkhandarya, 2 from Khorezm, and 2 from the Karakalpakstan ASSR were included in this list.

By the resolution of the Council of Ministers of the Uzbek SSR of November 6, 1956, a new Regulation on the Ministry of Justice was approved. According to this regulation, the Ministry of Justice of Uzbekistan was directly subordinate to the Council of Ministers of the republic. A board consisting of the minister, his deputies and several senior officials functioned in the ministry. At the meetings of the board, issues such as practical management of the work of courts and justice departments, inspection of execution, selection of personnel, preparation of the most necessary orders and instructions were resolved.

In general, during 1956-1960, the centralization of the judicial system decreased, regional justice departments were abolished, and control over the activities of the courts was directly assigned to regional courts. This process was one of the measures aimed at reducing administrative management in the judicial system and strengthening judicial independence. After that, in 1959-1960, the judicial structure, criminal and criminal procedural legislation were revised, and new laws were adopted. These changes left their mark in history as an important stage in the formation and development of the judicial system of the Uzbek SSR.



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From January 1, 1956 to September 1, 1956, 41 criminal cases of hooliganism involving 49 people were investigated by the Kashkadarya regional courts. When the perpetrators of these crimes were divided by age, 6 people were under 20, 10 people were under 25, 18 people were under 30, 8 people were under 35, and 7 people were 40 and older. This data shows that hooliganism was mainly committed by people aged 20 to 30. When the perpetrators of hooliganism were studied based on their social status, most of them were workers (26 people). Moreover, hooliganism was mainly committed by illiterate people and people with an education up to the 5th grade (36 people)[3].

In 1956, the people's courts of Kashkadarya region considered a total of 164 civil cases on the issue of collecting alimony from children on the issue of collecting old-age pensions. In 151 of them, the claims were satisfied, in 3 cases the claims of the plaintiffs were rejected, and 10 cases were dismissed for various reasons[4]. In 1956, the activities of bailiffs in recovering material damage caused by embezzlement, theft and shortages were thoroughly studied, and 13 bailiffs were examined, except for the Dehqanabad district bailiff who was not examined due to illness. As a result of the examination, it was found that 137 writs of execution in the amount of 2,073,436 rubles were registered, 132 of which were recovered for the first time in the amount of 1,984,261 rubles, and the rest were recovered again in the amount of 89,175 rubles. However, in most cases, an inventory of property was not carried out, and the property inventoried by the investigative bodies was transferred to the relatives of the convicts or sold. In particular, in the 1st Karshi City People's Court, 255,275 rubles were not inventoried in the writs of execution and property in the amount of 2,500 rubles, in the 3rd Mountain District People's Court, 161,804 rubles, and in the Guzar People's Court, 279,469 rubles were not searched. Also, property in the amount of 233,607 rubles was



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incorrectly valued during the appraisal, for example, in the Kitab district, property valued at 40,174 rubles was sold for only 20,018 rubles[5].

Results and discussions

The Kashkadarya regional court considered 205 materials on petty hooliganism from January to April 15, 1957, and 218 defendants were sentenced in this regard[6]. A total of 495 materials were considered in the above-mentioned period in 10 areas of regional courts[7].

In the first quarter of 1957, the Kashkadarya regional courts considered 9 criminal cases under Article 175 of the Criminal Code of the Uzbek SSR, 7 of which ended with a verdict. For comparison, in the fourth quarter of 1956, 4 criminal cases were received and the same number of cases were resolved with a verdict. Thus, a certain increase in crime is observed in this category of criminal cases. Of the cases, 5 criminal cases were submitted to the courts for consideration, while the rest were not submitted to the courts because they were examined by the prosecutor's office.[8]

In 1956, the courts unjustifiably returned criminal cases against 34 individuals and 9 individuals during the first nine months of 1957 for additional investigation, and also, based on the protests of prosecutors, the court rulings were canceled and the cases were sent for retrial. In 1956, 1 individual and 4 individuals during the first nine months of 1957 were wrongly found guilty and unjustified sentences were passed against them. For example, by the verdict of the regional court on November 2, 1957, Abraev Yarkul was sentenced to 2 years in prison under Part 2 of Article 14 of the Decree of June 4, 1947 and taken into custody outside the courtroom, but by the ruling of the judicial collegium of the Supreme Court of the Republic of Uzbekistan on February 25, 1957, he was released and the case against him was closed[9].



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In the first quarter of 1957, the Kashkadarya regional courts studied the judicial practice of criminal cases of private prosecution, and it was found that 38 criminal cases were received from the regional courts, and most of them were considered within the time limits established by law. However, in some cases, in particular, serious red tape was allowed by the people's judge of the Chiraqchi district, Kuchkarova[10].

In the first half of 1957, 395 criminal cases were considered by the regional courts, 22 of which were returned for additional investigation. In addition, the Kashkadarya regional court sent 5 cases involving 8 individuals, and the criminal panel of the regional court sent 7 cases involving 9 individuals for additional investigation[11]. Thus, a total of 34 cases across the region were returned for additional investigation, indicating that shortcomings in the investigative processes remain.

On September 28, 1959, the chairman of the Kashkadarya regional court, S. Salimov, submitted information to the secretary of the regional regional committee, Gulamov, about cases of violations of socialist legislation by the Kashkadarya regional prosecutor's office. It indicated that in 1957, 42 criminal cases were returned for additional investigation by the people's courts, 15 of the court rulings on this matter were canceled due to the prosecutors' protest, 17 criminal cases were also returned for additional investigation by the cassation board of the regional court, and 3 criminal cases were returned for additional investigation by the judicial board of the Supreme Court of the Republic of Uzbekistan, so that out of a total of 795 criminal cases received, 54 or 6.8 percent were returned for additional investigation[12].

In the first half of 1959, 39 criminal cases were returned for additional investigation by the people's courts, 10 of which were canceled due to the prosecutors' protests and sent for retrial[13], and 3 criminal cases were returned



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for additional investigation by the regional court, and 32 out of a total of 813 criminal cases, or 3.9 percent, were returned for additional investigation, indicating that the quality of the investigation in the prosecutor's office was not good, and some criminal cases were investigated for several years and then allowed to be dismissed[14].

On March 18, 1960, at a meeting of the Executive Committee of the Surkhandarya Regional Council of Deputies held in Termez, partial changes were made to the composition of the Surkhandarya Regional Court in connection with the liquidation of the Kashkadarya region, in particular, Safar Salimov and Anvar Shamiddinov were confirmed as members of the regional court, Halimakhan Kuchkaryova Zakrievna was dismissed from the post of deputy chairman of the court and left as an ordinary member, and Anvar Shamiddinov was also dismissed from the post of court member, and it was decided that this decision would be submitted for discussion at the session of the regional council[15].

Conclusion

Thus, after the end of World War II, significant changes were made to the Soviet judicial system. The emergency procedures of the war were abolished, the jurisdiction of military tribunals was limited, and the procedure for conducting court cases was adapted to the requirements of peacetime. In Uzbekistan, work was carried out on the election of people's judges and advisers, their training, and the reorganization of the judicial system. At the same time, a number of problems remained in the material and technical provision of judicial bodies.



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