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Structure of the People's Commissariat of Justice of the Republic of Turkestan (1918–1924)

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Abstract:

The article describes the changes in the structure of the People's Commissariat of Justice of the Turkestan ASSR from its establishment to its completion, mainly on the basis of information from archival sources.

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After the establishment of the Soviet power in Turkestan under the leadership of the Bolsheviks, the formation of public administration bodies that would fully serve their interests became an urgent issue. For this purpose, at first, the central administrative bodies of the former empire were transformed by the Soviets into people's commissariats[1] and adapted to the interests of the Soviet government.

The People's Commissariat of Justice, which played an important role in strengthening the Soviet rule in the country, was established on the basis of the decision of the Council of People's Commissars on november 23, 1917[2]. Initially, V. Zalessky was appointed as its leader. However, the commissariat did not carry out any work in the country within the scope of its authority for a long time. Kh.Ibragimov[3], who was appointed as the People's Commissar of Justice in may 1918, emphasized that "... the commissariat has not actually functioned since november 1917" at the All-Turkistan meeting of the Soviets held on september 26, 1918[4]. During this period, the justice system of the Turkestan region was in a very difficult situation. Not only in places, but also in the central office of the commissariat, there was a shortage of personnel. Most of the employees of the central

administration were former officials of the empire.

The "Temporary Regulation on the Commissariat of Justice of the Republic of Turkestan" consisting of 3 sections and 21 items, adopted by the Ministry of Justice of Turkestan on August 28, 1918, played an important role in regulating the work of the commissariat [5]. According to this Regulation, the Commissioner of Justice of the Republic of Turkestan was elected at the meeting of Muslim worker-peasant deputies of the Republic and was relieved of his duties. The Commissioner of Justice has the following powers:

- Conducted inspections and inquiries together with the Ministry of Interior of Turkestan and local executive bodies;
- recruitment and dismissal of all employees of the commissariat (except department heads);
- developed measures to ensure the execution of the decrees adopted by the higher management bodies and established control over the performance of the tasks assigned by them;
- supervises the activities of subordinate bodies and employees, and if they do not perform their duties or do not act in accordance with the established legal grounds, when they commit a crime, they are handed over to the appropriate judicial authorities;
- allowed to solve by force the difficulties and misunderstandings that arose in ensuring the execution of the decrees and regulations adopted by the judicial authorities;
- informed relevant authorities about illegal processes occurring in the activities of all organizations under Soviet power. He also took appropriate measures against the culprits;
- established general control over the activities of the Soviet militia;
- when emergency situations occur, he made important decisions within the field without the participation of higher management bodies [6].

In 1918, the central administration of the commissariat consisted of Soviet courts, local courts, departments of the prison administration, as well as an advisory council under the commissariat and a chancellery[7]. For comparison, the People's Commissariat of Justice established at the Center during this period was composed of 6 departments: trial and personnel, legislative initiative and codification, publication of laws, secretariat, administration and prison [8]. Each department consists of a head of the department, his assistant, a secretary, clerical staff and employees.

Since the first temporary Regulation aimed at regulating the activities of the commissariat "was drawn up apil-tapil and resembled the laws of the old period", a new Regulation was adopted at the end of 1918 with a number of changes[9]. Based on the regulation, some changes were made to the central management of the commissariat. In particular, now the commissariat has three: administrative; prison management; It was established that legislative proposals, codification and publishing departments will operate.

On the basis of the temporary instruction "On Deprivation of Liberty" developed by the People's Commissariat of Justice of the RSFSR on July 23, 1918, the Soviet government began to implement its policy in prisons[10]. This process began in TASSR in 1919, and their control was entrusted to the penal department within the commissariat. The penal department was engaged in the organization of educational and cultural-educational activities in places of punishment. In addition, the department performed tasks such as extermination of persons opposed to the Soviet government, forced relocation

of citizens from their places of residence, their deportation, organization of various types of prisons and control of their activities. Distribution commissions, which were established in 1920, have an important role in the department's activity [11], whose composition was established by the regional justice departments and approved by the regional executive committee. Its main task was to allocate sentenced persons to penal institutions depending on the type of punishment.[12].

On the basis of the "Regulation on the People's Commissariat of Justice of the Republic of Turkestan" adopted by the Ministry of Justice of Turkestan on July 20, 1920, further changes were made to the composition of the commissariat, and the following departments began to operate:

1. Department of court construction and court supervision.
2. Department of publishing laws.
3. Planning and accounting department.
4. Penalty section[13].

Each department of the People's Commissariat of Justice was assigned specific tasks, of which the I, II and IV departments performed the main role. In particular, the Department of Court Construction and Judicial Control developed the basic rules for the judicial system and the control of court proceedings, and from 1918 began to prepare draft laws on the judicial sphere. Later, all legal bills in the field of judiciary were developed by this department. In general, during the period under study, the People's Commissariat of Justice performed two main tasks in the judicial system: 1) leading the construction of a general judicial system in the country, 2) organizationally strengthening the activities of revolutionary tribunals[14].

Although the Regulation adopted in 1920 did not significantly change the powers and duties of the commissariat, it caused some additions to its structure. In particular, within the punishment department, processing and separation of punishment methods and educational-labor methods, engineering-construction, agriculture, treatment-sanitary, supply, assistance to those serving punishment, and convoy units were organized[15]. Based on the regulation, the position of jurisconsult-instructor (guide) was introduced in each department.

On the basis of the Regulation No. 315 "On Regional Justice Departments" adopted by the Turkestan MIQ on July 20, 1920, the activity of justice departments under the regional executive committees was established[16]. According to the regulations, regional justice departments are managed by the director, the director is elected by the regional executive committee and approved by the People's Commissar of Justice[17]. 11 staff units were allocated to the regional justice departments, which had the following positions: head of the department - 1, his deputy - 1, jurisconsult - 1, secretary - 1, his assistant - 2, typist - 1, clerk - 1, translator - 1, guard-letter carrier - 1, charioteer - 1[18].

From the same period, on the basis of the decision of the Commissariat of Justice, uезд justice bureaus were established in uyezds[19]. Initially, the activity of justice departments was established in Avliyoota, Chernyaev, Namangan, Poltoratsk, Kazalinsk, Verniy, Pishpak, Andijan, Samarkand uyezds[20].

In 1921, in order to strengthen the Soviet justice system in the country, and spread Soviet laws among the local population, Muslim and local law departments were established in the commissariat. The main task of the department was to organize the prosecution and defense process in the Muslim

people's courts in the country, to monitor their activities and to consider the reported complaints and applications in the appropriate order[21].

On the basis of the decision of the Turkestan MIQ in April 1922, the "State Prosecutor's Office" department was established within the commissariat. The department had such positions as head of the department, instructor, secretary, manager, typist. As a result of the establishment of the State Prosecutor's Office, a change occurred in the structure of the commissariat. In particular, the central administration of the commissariat was formed in 1922 from the affairs department, prosecutor's office, court supervision, court structure, correctional and advisory departments, and a total of 81 employees worked in them.

At the 7th session of the Turkestan KP held in March 1923, it was noted that the judicial bodies, including the central structure of the commissariat, did not meet the requirements of the time. Therefore, on the basis of the Decision No. 77 of May 12, 1923 of the Ministry of Justice, the Regulation on the People's Commissariat of Justice of Turkestan was adopted[22]. On the basis of this Regulation, the activity of regional and uezd justice departments was terminated in 1923, and their functions and duties were transferred to local people's courts. During this period, there were more than 30 uezd justice bureaus on the territory of TASSR. In 1923-1924, the administrative-financial, judicial structure and judicial control, legislative initiative, state prosecutor's office [23] departments operated under the central management of the commissariat, and TASSR remained until the termination of the People's Commissariat of Justice.

In general, frequent changes in the structure of the Adiya People's Commissariat of the Turkestan ASSR prevented its smooth functioning and caused a number of conflicting situations.

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