

CONSIDERATION OF LABOR DISPUTES BY THE COURTS IN THE UZBEK SSR

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Abstract:

In this article, on the eve of fascist Germany's attack on the Soviet Union, the militarization of enterprises and institutions, the restriction of the constitutional right of citizens to freely choose a profession and work, the brutal exploitation of the population, and the use of tens of thousands of prisoners as free labor by the authoritarian Soviet regime are revealed on the example of the Uzbek SSR. Also, the article highlights the fact that judges became victims of repression, the strengthening of party and government control over the judicial system based on archival sources.

Keywords: People's Commissariat of Justice, Supreme Court of the Uzbek SSR, people's court, judge, investigation, sentence, prison, correctional work, fine, work week, labor discipline, prisoner, military enterprises, decree.

Introduction

1.Relevance. In each Address of the President of the Republic of Uzbekistan to the Oliy Majlis, special attention is paid to the issues of ensuring the independence of the judiciary and increasing the level of justice. In particular, in the next Address dated December 29, 2020, it was emphasized that justice is a solid foundation of statehood, and that the judiciary plays a decisive role in ensuring the rule of law. Over the past five years, fundamental reforms have been implemented in our country to democratize and liberalize the judiciary, to increase the role and importance of the judiciary in protecting the rights and legal interests of citizens. 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. The article is covered on the basis of generally accepted historical methods - historicity, comparative-logical analysis, sequence, impartiality principles, and on the basis of the decree adopted by the Presidium of the Supreme Soviet of the USSR on June 26, 1940, the repressions carried out by the authoritarian Soviet authorities in the Uzbek SSR are highlighted. This topic has not been studied in the historiography of the Soviet period and the period of independence. In the article, for the first time, based on the comparative analysis of regulatory and legal documents and archival sources, the violence of the Soviet power under the leadership of Stalin against labor resources was highlighted with the help of the courts.



3. Research results. On August 23, 1939, the Molotov-Ribbentrop Pact was signed between the Soviet Union and Germany in Moscow. A week later, Hitler started World War II. A secret annex to the pact, which defined the sphere of influence of the two countries in eastern Europe, allowed Hitler to easily start a war with Poland. Thanks to the treaty, Stalin was able to extend the Soviet sphere of influence in Eastern Europe and, most importantly, delay the war against Germany. Although a non-aggression pact was signed between Germany and the USSR on September 28, 1939, both sides were preparing for a serious conflict.

Meanwhile, in the Soviet Union, at every meeting of the politburo and the government, the strengthening of the defense industry, the construction of new enterprises, and the purchase of machine tools and weapons from abroad were discussed non-stop. Building new enterprises required a large amount of labor. As a solution to the problem, the Soviet state decided to brutally exploit its own people and use millions of prisoners as free labor. In order to justify this legally, on June 26, 1940, the Presidium of the Supreme Soviet of the USSR adopted the decree "On the prohibition of the arbitrary departure of workers from enterprises and institutions in connection with the transition to an eight-hour work day and a seven-day work week"[1, P.141-142]. In particular, the decree stated the following:

1. The duration of the working day of workers and employees in all state, cooperative, public enterprises and institutions should be increased.
2. In all state, cooperative, public enterprises and institutions, the working week should be changed from six days to seven days.
3. Arbitrary exit of workers and employees from enterprises and institutions, as well as transfer from one enterprise to another, should be prohibited.

Based on the decree, work in enterprises and institutions is organized in 3 shifts for 24 hours. Workers and employees could leave the enterprise and institution or transfer from one enterprise to another only with the permission of the director of the enterprise or the head of the institution. It was established that workers and employees have the right to leave their jobs in the following cases: firstly, if the worker or employee, according to the conclusion of the medical expert commission, cannot perform his previous work due to illness or disability, and the administration cannot provide him with another suitable job in the same enterprise or institution; secondly, a worker or employee could stop working in connection with entering a higher or secondary special educational institution.

According to the decree, workers and employees who arbitrarily left enterprises or institutions will be brought to court and sentenced to 2 to 4 months in prison by the verdict of the people's court. Those who did not come to work without good reason or came to work more than 20 minutes late, were to be punished with correctional work for up to 6 months, with a deduction of up to 25% of the monthly salary.

People's courts should consider cases of this type within 5 days, and the sentence should be executed immediately. The above decree entered into force on June 27, 1940. Thus, enhanced, emergency labor procedures were established in the territory of the former Union.

Citizens were condemned to work like slaves without days off in their country. Those who disobeyed such regulations were threatened with prosecution. Thus, the state attached workers



and servants to enterprises. Production rates were increased, prices were lowered, and failure to comply with the minimum working hours would lead to criminal liability.

According to the current procedural legislation, a preliminary investigation and an indictment must be submitted to the court in any criminal case. The decree stipulated that all these formal processes should be completed within five days, along with court proceedings. In order to further simplify the repression procedures, by the decision of the Plenum of the Supreme Court of the USSR, the procedure for hearing such offenses in people's courts was simplified. For example, the Plenum of the Supreme Court of the USSR, held on July 15, 1940, instructed lower courts that criminal cases related to violations of labor discipline may be considered without preliminary investigation if the judge considers that the materials for prosecution are sufficient [2, P.131-133]. This situation was explained: "This is one of the measures to effectively fight against those who regularly violate labor discipline".

Judges could, in doubtful cases, send the case back for investigation, but most of them were well aware that this right was nothing more than a formality. In accordance with the instructions of the party and the government, under the guise of "violators of labor discipline", mass repressions were launched against workers and employees, denying them the right to rest.

At the next Plenum of the Supreme Court of the USSR on July 23, 1940, it was instructed that in the case of repeated violations of labor discipline related to lateness to work, the punishment of correctional labor will be replaced by a prison sentence. As a result of this, the punishments applied to the violators of labor discipline became more severe.

On August 10, 1940, in order to ensure the effectiveness of repression, another procedural process was abandoned. That is, the decree adopted by the Presidium of the Supreme Soviet of the USSR on this date stated as follows: "Let it be determined that the criminal cases of persons who left enterprises and institutions without permission and arbitrarily will be considered individually by people's judges without the participation of people's advisers" [1, P.231]. However, in accordance with Article 102 of the Constitution of the USSR adopted in 1936 and the Constitution of the USSR adopted in 1937, it was determined that the work in all courts should be conducted in a collegial manner, and that the judge at all levels of the judicial system should conduct proceedings with the participation of people's advisers[3, P.18].

If we pay attention to the sequence of decisions made above, it is clear that the judges have all the levers for repression. The judge was authorized to consider cases of this type without preliminary investigation and without the participation of the people's advisers. The saddest thing is that the sentence passed by the court was executed immediately, not later than a day later. The defendant could not file an appeal or cassation complaint against the verdict.

Until September 15, 1940, criminal cases were opened and brought to court against 1,082,216 people in the USSR on the grounds specified in the decree of June 26, 1940. Of them, 906,824 people were convicted, including 755,440 people for coming to work late, 131,718 people for leaving work without permission, and 2,949 people for hiding the culprits.

In the Uzbek SSR, a campaign was launched to punish workers for violating labor discipline. As of September 1, 1940, people's courts in Uzbekistan received 13,877 cases related to violations of labor discipline. 10,861 of them were examined in court [4].



In terms of regions, the absolute majority of offenders was accounted for by Tashkent region. Until September 1, 1940, 6,896 cases were received by the people's courts of Tashkent region, of which 5,504 were considered. 2548 out of 2784 cases were reviewed in Fergana region, 1210 out of 1345 cases in Bukhara region, 1534 out of 1782 cases in Samarkand region, 485 out of 521 cases in Khorezm region, 465 out of 549 cases in Karakalpak ASSR[5].

In the decree of June 26, 1940, it was indicated that after the case of violation of labor discipline was determined, it should be considered by the judge within a period of no more than 5 days. However, in the period from August 15 to September 1, 1940, 1140 cases were considered by the people's courts of Tashkent region after 5 days. There was a similar situation in other regions: 508 cases in Fergana region, 164 cases in Bukhara region, 143 cases in Samarkand region, and 59 cases in Khorezm region were reviewed after 5 days.

The main reason for the late processing of cases related to violations of labor discipline was the excessive volume of work. For example, until September 15, 1940, 1,000 cases were received from the Textile Factory located in the territory of People's Court Section No. 32 in Tashkent. Despite the fact that the People's Court worked continuously for 24 hours in 3 shifts, there were about 200 pending cases[6].

The People's Court of Chirchik received 900 cases of labor discipline violations from the workers serving the construction of the Chirchik Electrochemical Plant. As a result, an additional people's court section was established in Chirchik city due to the reduction in Kalinin district of Tashkent region. Nevertheless, the people's court cannot manage to consider criminal cases within 5 days. As of September 1, 1940, 10,738 people were sentenced by all people's courts in the Uzbek SSR. The number of convicts in regions was as follows: 4786 people were sentenced in Tashkent region, 2353 in Fergana, 1215 in Bukhara, 1391 in Samarkand, 467 in Khorezm, 526 in Karakalpak ASSR. 9,509 of the prisoners were punished for coming to work late, and 1,206 for leaving work without permission. 4462 of the prisoners (46%) were sentenced to 3 months, 5035 (53.9%) were sentenced to 3 to 6 months of correctional work. 303 of those who left their workplace without permission were sentenced to 2 months, 922 were sentenced to 2 to 4 months[7].

The People's Commissariat of Justice of the USSR and the Supreme Court regularly heard reports from the allied republics on the implementation of the Decree of June 26, 1940. Instructions have been given by the authorities at the center that severe punishment should be applied to the culprits. In order to control the fulfillment of these requirements, the activity of the people's courts was audited. People's judges who have given a light sentence to the prisoners or acquitted the innocent by objective evaluation have been strengthened. For example, the people's judge of the 32nd district of Tashkent city Pavlov was released from his position as a judge because he issued 20 acquittals against the defendants and suspended him from action in 4 cases due to the absence of signs of crime. Later, he was accused of committing political crimes and was deprived of his freedom.

Former people's judge Nurmatov acquitted 44 defendants, people's judge Chernysheva dismissed the case against 14 defendants, people's judge Toshmatov acquitted 3 defendants in Uchkurgan,



people's judge Isokulov in Orta Chirchik district 4 tractors working at MTS will be held accountable for acquitting its drivers[8].

In September 1940, 17 people's judges in the Uzbek SSR were recalled from their positions by local councils, and 10 of them were brought to criminal responsibility for treating their duties with "coldness". Also, administrative sanctions are applied to a number of people's judges. The number of judges in the republic who were punished at various levels was 58 [9]. This information can be found in archival sources: "such cases made it possible to improve political vigilance and discipline among judges."

Of course, the Soviet People's Courts, which were elected by the local Soviet of Deputies, remained in control, and were deprived of their independence, were obliged to fulfill the orders of the Communist Party unconditionally. As a result, the people's courts begin to mechanically issue convictions, applying the maximum prison sentence to the convicts. This is confirmed by the following statistics. In the period from September 1 to September 15, 1940, the total number of people convicted in the Uzbek SSR was 4,693, of which 897 (19%) were sentenced to correctional labor for up to 3 months, the number of those sentenced to correctional labor from 3 to 6 months 3779 (79.6%) people. 165 of those who left the workplace without permission were sentenced to imprisonment for up to 3 months, and 946 for 2 to 4 months[10].

If we compare the verdicts passed by the people's courts in August and September 1940, it is clear that the punishment measures applied to the convicts became more severe. That is, in August 1940, the proportion of those sentenced to 3 months and up to 6 months of correctional work was almost equal. In the first 15 days of September, 4/5 of all prisoners were sentenced to correctional work for up to 6 months, and only 1/5 for up to 3 months. Also, the number of people sentenced to imprisonment for up to 4 months has also increased.

In the period from September 1 to September 15, 1940, the number of crimes related to violation of labor discipline, considered by the people's courts in the Uzbek SSR for more than 5 days, amounted to 760, including 299 in the Tashkent region, 296 in the Fergana region, 296 in the Samarkand region It was 102.

It was specified in the regulatory and legal documents that the execution of the court's verdict against the offenders who violated the labor discipline should be done within one day. However, 33% of sentences passed by people's courts in Tashkent region, 40% in Bukhara region, 60% in Khorezm region, 30% in Karakalpak ASSR were executed within one day. As a result, a number of officials will be penalized for not ensuring timely execution of the sentence. In particular, the people's judge of the city of Tashkent, Kubishkina, was held responsible for not being responsible for the timely execution of sentences.

According to Moscow's instructions, a number of members of the People's Commissariat of Justice of the Uzbek SSR and the Supreme Court are sent to investigate cases in Bukhara, Fergana, Samarkand, Khorezm regions and Karakalpak ASSR. In particular, when studying the cases of execution of the decree in the Karakalpak ASSR, it is found that judicial authorities are sentencing in absentia without summoning the defendants to the court session [11]. In the archive documents, it was noted that such mistakes occur not only in the courts of the USSR, but also in other regions of the Uzbek SSR.



The verdicts passed by the people's courts are re-examined by inspectors. If it is found that cases where a light punishment measure was applied to the convicts, a protest is filed with the Supreme Court, which is the highest judicial body. As a result, in the period until October 1, 1940, the Supreme Court of the Uzbek SSR made a decision to cancel the verdicts of the people's courts in 500 cases, which provided for light punishment measures[12].

People's courts were not provided with sufficient working conditions for their operation. People's Commissar of Justice of Uzbekistan Umarov gave information about the deplorable state of people's courts in his report submitted to the government. Most of the people's courts did not have a building to conduct proceedings. Even the people's courts operating in Tashkent city had 2-3 precincts of the people's court operating in one place due to the lack of a building. It was mentioned that this causes a gross violation of procedural norms.

The People's Court of the 32nd District, which serves the Textile Combine of Tashkent City, was working in the company's porch due to the lack of a building.

The people's courts were not provided with the most necessary stationery. Due to the lack of paper, the registration of defendants and the conduct of court proceedings were carried out irregularly.

After the reasonable objections of People's Commissar of Justice Umarov and Chairman of the Supreme Court Saidov, in October 1940, the UzSSR made a decision to allocate 1.5 tons of paper from the budget for the people's courts of the USSR.

As of January 1, 1941, 2,476,241 workers and servants in the USSR were accused of violating labor discipline and brought to court. Of them, 1,955,790 people were prosecuted.

After Nazi Germany invaded the USSR, on December 26, 1941, the Presidium of the Supreme Soviet of the USSR adopted a new decree "On the prohibition of workers and employees of military industrial enterprises leaving the enterprises without permission"[1, P.247-248]. In particular, according to the decree, it was stated that arbitrary departure of workers and employees from military enterprises, including evacuated enterprises, is considered desertion, and those who are guilty will be punished with imprisonment from 5 to 8 years.

Nevertheless, prosecution of citizens in connection with labor discipline continued even during the war years. In 1943, 1944 and 1945, more than one million citizens were prosecuted each year. In 1945, 51.5% of those prosecuted by courts in the former Soviet Union were persons who violated the requirements of the decree of June 26, 1940[14, P.312].

In the years after the war, the above decree was in force. Punishment for leaving the enterprise and institution without permission was valid until 1956, when the decree of June 26, 1940 was repealed. According to statistics, during the existence of this decree, about 18 million Soviet citizens were convicted.

4. Conclusion

In conclusion, the leadership of the former Union under the leadership of Stalin became one of the main culprits of the Second World War by colluding with Nazi Germany. The totalitarian regime adopted a number of directives and other legal documents contrary to the Constitution, restricting the rights of citizens to freely choose a profession, work and rest. Those who disobeyed



such regulations were prosecuted and millions of prisoners were used as free labor. In order to ensure the effectiveness of repression, the procedural processes carried out by the courts have also become simpler, and the punishments have become more repressive. According to the decree of June 26, 1940, not only workers, but also judges, who objectively assessed the trial, became victims of repression as offenders. Only after Stalin's death, some laws passed during his time were abolished, and the process of rehabilitation of innocently punished citizens began.

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