

FORMATION AND DEVELOPMENT OF THE MILITARY PROSECUTOR'S OFFICE

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ABSTRACT

This article retrospectively analyzes the formation and development of the military prosecutor's office in Uzbekistan in the 20th century. Additionally, the article analyzes its activities, tasks and role in the system of the prosecutor's office.

Keywords: Military prosecutor's office, Turkestan, Central Asian military district, General military prosecutor's office, military prosecutor's office of Armed Forces, military court, prosecutor's supervision, investigation, military garrison, military unit.

INTRODUCTION

From the statehood of world countries, it is known that in the emergence of the first states, control over the implementation of procedures in their strengthening and defense, the formation and development of structures and positions that perform tasks in this regard were considered a decisive factor. In this, the powers in the current direction, including legislative control and judicial work, were carried out by the military ¹.

It is better take a look at the history of the military prosecutor's office in order to find out the answers the questions including how the military prosecutor's office was established in Uzbekistan in the 20th century, what its activities and main tasks are.

It should be noted that after the October Revolution, on December 12, 1917, a decree "**On the reorganization of judicial statutes**" was adopted, which largely determined the termination of judicial investigators, prosecutorial supervision, defense and private lawyer institutions.

However, in the spring of 1918, due to the inability of another state body to fulfill the task performed by the courts in Turkestan, a directive comes from the center to extend their term. But until the release of this order, part of the specialists moved to abroad, others left the system, and only the few remaining groups were continuing their activities.

Nevertheless, until the implementation of judicial reforms in Turkestan, the court and prosecutor's Office of the former Russian Empire will remain under the direct control of the Council of Deputies and the people's Commissariat of Justice.

Initially, judicial issues, various people's commissions, the people's Commissariat of Justice (the prosecutor's bodies were at that time part of the people's Commissariat of Justice), State supervision, internal affairs and emergency commissions exercised control over compliance with the legislation.

According to historical sources, by decree of the Central Executive Committee of Turkestan on November 16, 1918, it can be seen that from January 1, 1919, the current prosecutor's office was liquidated.

¹ Ватан ва қонун ҳимоясида. Ўзбекистон Республикаси Ҳарбий прокуратураси. Тамаддун. Тошкент-2024. Б.16

Instead of the national state legislation formed over thousands of years, the Soviet-founded legal system was introduced on September 2, 1920, in connection with the revolution in Bukhara and the liquidation of the emirate of Bukhara as a state, and on October 6-8, 1920, the creation of the Bukhara people's Soviet republic (BXSR).

It is known that in 1917-1922, the prosecutor's office system did not operate. In November 1922, the state military prosecutor's Office of Soviet Russia was introduced, and the military prosecutor's Office of the Turkestan front began to operate.

During that period, the Central Asian military district covered the territories of the republics of Uzbekistan, Kazakhstan, Kyrgyzstan and Turkmenistan.

Crimes committed by the military in the 1920s were also seen in general order in the people's courts, it should be noted that at this time there were no separate military courts.

In the Central Asian Military District (headquartered in Tashkent), which was part of the Armed Forces of the Soviet Union, the military prosecutor's Office of the Central Asian military district was established on June 4, 1926.

On August 20, 1926, the regulation **"On military tribunals and military prosecutor's offices"** approved by the Central Executive Committee of the former Union, the Council of people's Commissars was considered the first main document defining the functions of the military prosecutor's office in the entire union, the regulation in question served as a program to the military prosecutor's office.

From January 1929, the military prosecutor's office, in addition to performing control over the legality of the movement of Red Army officials, was also assigned with undertaking general control over the militarized guard of enterprises and roads of State importance.

As a result of the judicial work and the improvement of the legislation on the supervision of the prosecutor, in 1933 the prosecutor's office was removed from the Supreme Court of the USSR and replaced with the General Military Prosecutor's office².

By the decree of the Presidium of the Supreme Soviet of the USSR of December 13, 1940, it was firmly established that cases of all types of crimes committed by the military can only be seen by military tribunals. Subsequently, criminal cases were investigated by the military prosecutor's office in the event that one of the multiple defendants was military, and reviewed in substance by the military courts.

In 1941-1945, the activities of all the prosecutor's bodies of Uzbekistan, along with the prosecutor's bodies of the former USSR, were militarized.

In particular, from the first days of World War II, new tasks were set before the military prosecutor's office, that is, military prosecutor's offices of the front, Army, Corps and divisions were established in order to strengthen military discipline in the troops.

Railway and water bodies prosecutors were also militarized, and the methodology for investigating crimes changed radically in accordance with wartime conditions. The ideological upbringing of the personal composition in Army was also included among the main areas of activity of the military prosecutor's office.

On 26 June 1941, 30 railway Procurator's offices were converted into military procurators, all of these procurators being transferred to the Red Army General Military Procurator's system.

² Ватан ва қонун ҳимоясида. Ўзбекистон Республикаси Ҳарбий прокуратураси. Тамаддун. Тошкент-2024. Б.52

Analyzing historical sources, we can see that during the years of World War II, the military prosecutor's office was assigned large and responsible tasks, namely:

- organization of military mobilization;
- rejecting the presence in the war, injecting and crippling his own body, disobedience, desertion, that is, arbitrarily abandoning the military unit and the place of Service, and combating other types of military crimes.

At this time, even those who made false remarks about the course of the war were persecuted and severely punished.

During the years of World War II, the crime of desertion was committed a lot, and the military prosecutor's office fought tirelessly against it. It would not be a mistake to say that those years were one of the most pressing issues on the agenda of the fight against deserters.

Simply saying, it can be said that during the years of World War II, extremely important and responsible tasks were fulfilled by the military prosecutor's office, such as control over the implementation of laws, protection of the population from criminal encroachments, banditism, looting, combating any crime that strikes and threatens the country's defense. In this, the main focus is on the issues of protecting the rights of ordinary workers, the protection of War invalids, families of fighters.

On July 9, 1945, the military prosecutor's Office of the Turkestan military district was established.

The military prosecutor's Office of the Turkestan military district was directly subordinate to the General Military Prosecutor of the USSR and began to act as the military prosecutor's Office of the Turkestan front.

On December 16, 1966, by the decree of the Presidium of the Supreme Soviet of the USSR, the regulation **"On the military prosecutor's office"** was adopted.

It establishes the status of the military prosecutor's office in strengthening legality and law enforcement in the armed forces, and the relevant commands are entrusted with providing military prosecutor's bodies and employees with buildings, motor vehicles, communications and other types of supplies.

With the adoption of this regulation, the independence of military prosecutor's offices from military commands increases significantly, and the issue of ensuring legitimacy and law enforcement in the troops is also legally regulated.

In this regard it was established that when military prosecutors identify cases of violations in the troops, submit a submission in order to eliminate it, and the relevant command will study the submission and take measures to eliminate violations of the law within a month, and inform the military prosecutor's office about the result.

Historical sources note that in 1970, in the apparatus of the military prosecutor's Office of the Turkestan Military District, cases were carried out in the following four – general control, investigation, judicial control, control over the resolution of criminal cases in the bodies of the State Security Committee (SCO), divided into control sectors.

In 1970, there were 8 Garrison military procurators operating within the military procuratorate of the Turkestan Military District.

On August 4, 1981, the regulation “On the military prosecutor’s office” was adopted, and on the basis of the regulation, the bodies of the military prosecutor’s office were determined their activities, directions and tasks.

The prosecutor’s Office of the USSR ended its activities as an independent state body after the dissolution of the former Union³.

The history of the development of the prosecutor’s office testifies to the fact that in the past it performed tasks within the framework of the functions set by the state as a state body, ranging from gross control of all, including citizens, to the protection of private and public interests⁴.

It should be noted that the sovereignty of the Republic of Uzbekistan has determined the formation of military prosecutor’s offices in new conditions.

The foundation of the bodies of the military prosecutor’s Office of independent Uzbekistan is strengthened by laws adopted from the first days of the declaration of State independence.

In the early period of independence, the activities of the prosecutor’s office in our country were not easy. This is primarily due to the breakdown of the prosecutor’s Office of the former USSR.

An example of a preliminary step is the adoption of the decree of the President of the Republic of Uzbekistan dated January 8, 1992 “**On the bodies of the prosecutor’s office of the Republic of Uzbekistan**”⁵, which determines the transfer of the prosecutor’s Office of the Uzbek SSR to the Independent Republic of Uzbekistan. It was on the basis of this decree that the bodies of the prosecutor’s Office of the Independent Republic of Uzbekistan were established.

On February 28, 1992, the decree “**On military tribunals and military prosecutor’s office**” was signed by the president of the Republic of Uzbekistan⁶.

According to the decree, on the basis of the former “Military prosecutor’s Office of the Turkestan military district”, the “Military prosecutor’s Office of the Armed Forces of the Republic of Uzbekistan” was established, and the military prosecutor’s office was subordinated to the prosecutor of the Republic of Uzbekistan.

On the basis of the Presidential Decree, the following were established as the main tasks of the military prosecutor’s Office of the Armed Forces of the Republic of Uzbekistan:

- ensuring legitimacy and law enforcement in the Armed Forces;
- fulfilling prosecutorial supervision in all military units, annexations and associations, military-educational educational institutions, institutions and other military structures located on the territory of the Republic.

In the system of military prosecutor’s Office of the Armed Forces of the Republic of Uzbekistan, Garrison military prosecutor’s offices were established and operated.

According to the organizational state structure, in the military prosecutor’s Office of the Armed Forces of the Republic of Uzbekistan, generals, officers, proportionate and terminal soldiers served in the military. There were 4 main structural branches of the court –

³ Б.Х.Пўлатов. Прокурор назорати. Тошкент- 2009. Б.16.

⁴ Вицин С. Прокуратура в правовом государстве. – М., 1997. З.С.Ибрагимов. Мустақиллик ва Ўзбекистон Республикаси прокуратураси. Тошкент-2011, Б.23.

⁵ Ўзбекистон Республикаси Президентининг 1992 йил 8 январь кунги “Ўзбекистон Республикаси прокуратураси органлари тўғрисида”ги ПФ-313-сонли Фармони. З.С.Ибрагимов. Мустақиллик ва Ўзбекистон Республикаси прокуратураси. Тошкент-2011, Б.299.

⁶ Ўзбекистон Республикаси Президентининг 1992 йил 28 февраль кунги “Харбий трибуналлар ва харбий прокуратура органлари тўғрисида”ги ПФ-355-сонли Фармони.

investigation, general control, control over the implementation of laws in the proceedings in military courts, control over rehabilitation issues.

On May 17, 1993, the statute “On the military prosecutor’s Office of the Armed Forces of the Republic of Uzbekistan” was approved by the prosecutor general of the Republic of Uzbekistan. Due to the deficit in the issue of national personnel, the main task was to replenish the staff of officers of the military prosecutor’s office. If we say that a positive solution to this issue was found in time with the adoption of the decree of the Cabinet of Ministers of the Republic of Uzbekistan dated February 8, 1993 “On filling out the staff of officers of military prosecutors and military courts of the Republic of Uzbekistan” No. 66 ⁷.

In accordance with the large-scale reforms carried out in our country, in order to further increase cooperation with the new military structures established in the Republic of Uzbekistan, the decree “**On the organization of the military prosecutor’s Office of the Republic of Uzbekistan**”, signed by the president of the Republic of Uzbekistan on March 30, 1999⁸, will be recognized as having played an important role in this area.

By Presidential Decree, the military prosecutor’s Office of the Republic of Uzbekistan was established on the basis of the military prosecutor’s Office of the Armed Forces of the Republic of Uzbekistan.

On the site of the military prosecutor’s offices of the functioning Garrison, territorial military prosecutors and 4 completely new structures – military prosecutor’s offices of the military district-were established.

Also, on the basis of Decree, the post of Deputy Prosecutor General – Military Prosecutor of the Republic of Uzbekistan was introduced within the leadership of the prosecutor’s Office of the Republic of Uzbekistan.

The organizational state system of the military prosecutor’s Office of the Republic of Uzbekistan is approved. According to it, the Departments of the first deputy military prosecutor of the Republic of Uzbekistan, deputy positions, general supervision in the courts, ensuring the authority of the prosecutor in military courts, supervision over investigation, investigation of crimes were established. At the same time, Departments of personnel, Organization of control over execution, statistics, work with appeals, reception of citizens, systematization of legislation, propaganda, control over preliminary investigation in state security bodies, and the office were also established.

In Uzbekistan, the military prosecutor’s office was formed and developed and carried out its activities in the last 20th century, when certain works were carried out by the military structure in order to strengthen legitimacy in the armed forces and ensure the rule of law, especially after the independence of our country, it will be worth noting that the military prosecutor’s office has been operating worthy of recognition.

⁷ Ўзбекистон Республикаси Вазирлар Маҳкамасининг 1993 йил 8 февраль кунги “Ўзбекистон Республикаси ҳарбий прокуратуралари ва ҳарбий судларининг зобит кадрлар таркибини тўлдириш тўғрисида”ги 66-сонли Қарори. З.С.Ибрагимов. Мустақиллик ва Ўзбекистон Республикаси прокуратураси. Тошкент-2011, Б.308-309.

⁸ Ўзбекистон Республикаси Президентининг 1999 йил 30 март кунги “Ўзбекистон Республикасининг Ҳарбий прокуратурасини ташкил қилиш тўғрисида”ги ПФ-2277-сонли Фармони. З.С.Ибрагимов. Мустақиллик ва Ўзбекистон Республикаси прокуратураси. Тошкент-2011, Б.319-320.

REFERENCES

1. Ватан ва қонун ҳимоясида. Ўзбекистон Республикаси Ҳарбий прокуратураси. Тамаддун. Тошкент-2024. Б.16
2. Ватан ва қонун ҳимоясида. Ўзбекистон Республикаси Ҳарбий прокуратураси. Тамаддун. Тошкент-2024. Б.52
3. Б.Х.Пўлатов. Прокурор назорати. Тошкент- 2009. Б.16.
4. Вицин С. Прокуратура в правовом государстве. – М., 1997. З.С.Ибрагимов. Мустақиллик ва Ўзбекистон Республикаси прокуратураси. Тошкент-2011, Б.23.
5. Ўзбекистон Республикаси Президентининг 1992 йил 8 январь кунги “Ўзбекистон Республикаси прокуратураси органлари тўғрисида”ги ПФ-313-сонли Фармони. З.С.Ибрагимов. Мустақиллик ва Ўзбекистон Республикаси прокуратураси. Тошкент-2011, Б.299.
6. Ўзбекистон Республикаси Президентининг 1992 йил 28 февраль кунги “Ҳарбий трибуналлар ва ҳарбий прокуратура органлари тўғрисида”ги ПФ-355-сонли Фармони.
7. Ўзбекистон Республикаси Вазирлар Маҳкамасининг 1993 йил 8 февраль кунги “Ўзбекистон Республикаси ҳарбий прокуратуралари ва ҳарбий судларининг зобит кадрлар таркибини тўлдириш тўғрисида”ги 66-сонли Қарори. З.С.Ибрагимов. Мустақиллик ва Ўзбекистон Республикаси прокуратураси. Тошкент-2011, Б.308-309.
8. Ўзбекистон Республикаси Президентининг 1999 йил 30 март кунги “Ўзбекистон Республикасининг Ҳарбий прокуратурасини ташкил қилиш тўғрисида”ги ПФ-2277-сонли Фармони. З.С.Ибрагимов. Мустақиллик ва Ўзбекистон Республикаси прокуратураси. Тошкент-2011, Б.319-320.