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CRIMINAL LAW IN UZBEKISTAN IN THE MIDDLE OF 19th CENTURY AND 90s of 20th CENTURY

Abstract: This article illuminated criminal law in Uzbekistan in the middle of 19th century and 90s of 20th century by the helping historical literatures and juridical documents. Besides, it gives more information that cases were limited, mainly civil cases, and criminal cases saw minor offenses, such as minor theft, insult, and minor bodily harm as well.

Key words: criminal law, Uzbekistan, Turkestan, Central Asia, Kokand khanate, Bukhara emirate, occupation, independent.

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Introduction

Prior to the occupation of Central Asia by Russia, there were three independent states in this region: the Bukhara Emirate, Kokand and Khiva khanates. Each of these states is an independent state and they have followed Shari'a laws in these countries. Due to the Russian invasion, the Kokand Khanate was completely abolished and the Turkestan General Governorate was established based on military rule [1, p.3]. Hence, the territory of the Kokand Khanate was annexed to Russia as the governor of the Russian Empire. Although the Bukhara Emirate and the Khiva khanate lost their independence, they were officially retained and transformed into a Russian colony.

Following the Russian occupation of Central Asia by the experience of world colonial policy and retaining the people's fervor against itself, he maintained local laws and judges. Judges acted in accordance with Sharia law. Their cases were limited, mainly civil cases, and criminal cases saw minor offenses, such as minor theft, insult, and minor bodily harm.

In 1865 a "temporary regulation on the administration of the Turkestan region" was adopted, and according to the charter all administrative

agencies and courts in Turkestan were subordinated to the Turkestan military governor. All crimes, except minor crimes, were tried in the courts of the Tsarist government or in the military courts, and the criminal law of Tsarist Russia began to be resolved.

Tsarist Russia, to some extent, maintained Shari'a laws in Central Asia and used it to subordinate people to the Shari'a colonial authorities and agencies. In particular, to apply the Shariah law widely regarding the collection of state taxes.

METHODS

In Turkestan, where the Kazakhs and the Kirghiz people lived, a Judges' Court was established under the Charter of 1867- 1868. Judges have limited rights to prosecute, and they operate according to custom. According to the aforementioned Charter, the Judges have seen offenses against individuals, property crimes (family robbery and extortion), and crimes against the Muslim religion. All other crimes were resolved under the criminal law of the Russian Empire [2, p.34].

Traditional law was not declared by law, but consisted of oral, inherited procedures. Even after the October 1917 coup, the judges and judges were temporarily saved. The Bukhara emirate and the

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Khorezm khanate were abolished in 1920 due to the invasion of the new Soviet state and the Bukhara and Khorezm People's Republics were established under Soviet rule.

After the October Revolution, part of Central Asia directly into Russia as Turkestan province was part of RSFSR as Turkestan Autonomous Republic. by special decision of the Central Executive Committee of the Autonomous Republic and Council of People's Commissars in the territory of the Autonomous Republic or directly This was a remarkably Republic [2, p.26]. In December 1919, the RSFSR issued a major reference to criminal law. The main guideline contained only the provisions of the General Part of Criminal Law. The main manual was published on April 20, 1920 under the title "RSFSR Basic Guidelines on Criminal Law of Turkestan Autonomous Republic". This basic guide was the first criminal law.

On May 24, 1922, the Criminal Code of the RSFSR was adopted, and on July 21, 1922 the Central Executive Committee of Turkestan adopted the Code on its implementation in the Republic of Turkestan. This code has been introduced in the territory of the Bukhara and Khorezm People's Republics [3, pp. 405-406].

The USSR was established in 1924, and Uzbekistan as a union republic became a part of the USSR. After the establishment of the USSR on October 31, 1924, the "Basic Rules of Criminal Law of the USSR and the Union Republics" were adopted, which outlined the important provisions of the General Criminal Law Section The Basic Law was the law of the Commonwealth.

On June 26, 1926 the first Criminal Code of the Uzbek Soviet Socialist Republic was adopted and entered into force on July 1, 1926. (This codex was valid at the same time in the Tajik ASSR). This Criminal Code consists of the General and the Special Part, the General part consists of four sections and the Special part consists of ten chapters. This Code was adopted in accordance with the General Law of the USSR and the Criminal Laws of the Union Republics, adopted on October 31, 1924 [4].

The first section of the Code specifies the scope of criminal law, that is, liability of citizens of the USSR and foreign citizens for crimes committed in the territory of Uzbekistan. cases excluding criminality, terms of prosecution, failure to appear in court and other norms.

The third section deals with measures of judicial correction of offenders, measures of medical and medical pedagogical character, mitigating and aggravating circumstances. Section Four provides for pre-term exemption from social protection measures. The Special Part of the Code consists of the following sections:

1. Criminals against the state (counter-revolutionary and non-discriminatory);

2. Military crimes;
3. Crimes of officialness;
4. Crimes in violation of state religion separation laws;
5. Economic crimes
6. Crimes against the life, health, liberty and honor of the person;
7. Property crimes;
8. Violation of public health, public safety, and family rules;
9. Domestic crimes;
10. Water crimes.

The RSFSR Criminal Code, enacted in 1922, remained in force in Uzbekistan until 1926, when the Criminal Code of Uzbekistan was enacted [5].

This criminal code of Uzbekistan was in force until January 1, 1960. This criminal code is aimed primarily at protecting the state, the existing state system, and against that class class enemies. The second part of the General Part of the Code provides for the possibility of criminal prosecution by analogy rules. According to the analogy rule, a defendant could be held responsible for a certain article of the criminal code, which was considered socially dangerous for the time but was not punishable by the criminal code [6].

By the end of the 1950s, the Soviet state entered a new phase of development, at that time, as a whole, the Tululators (class owners) were completely eliminated, and the members of the society were peasants, intellectuals, and laborers. Accordingly, with the need to revise laws, including criminal ones, on December 25, 1958, three laws were adopted, all-Union criminal law. These are:

1. Fundamentals of Crime I of the USSR and the Union Republics;
2. Law on Criminal Liability for Crimes Against the State;
3. Criminal Liability for War Crimes the law.

"The Union of the USSR and the Allied Republics are the basis of the criminal law" of the General Part of the Criminal Law, which all the Union republics had to develop and adopt according to their Criminal Code. The Commonwealth, which establishes liability for state and war crimes, has to be incorporated into the Criminal Code of the Union Republics without any changes to its laws. In addition, the Allied Republic was not entitled to make amendments and additions to the law. It was. These include, for example, the Decree of February 20, 1962 "On Strengthening Criminal Liability for Rape," the Decree of February 20, 1962 "On Enhancing Criminal Liability for Bribery," others If the article of the Criminal Code of the Union Republic was brought into compliance with that decree, that article could be changed only on the basis of an alliance act. From the above, it is clear that although the former USSR was officially a federal state [8, p.23], it was actually ruled as a unitary state. Every Soviet citizen, whether a

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Finnish living in Karelia or a Russian in Moscow, a Chukotka chuk or Turkmen Turkmen, a Belarusian, an Uzbek, or a Belarusian living in Uzbekistan, regardless of their language, religion, customs, traditions, historical background. and regardless of the characteristics of the communist builder, it must have the characteristics set out in the code of ethics of the communist builder.

RESULTS AND DISCUSSIONS

On May 21, 1959 the new Criminal Code of Uzbekistan was adopted and entered into force on January 1, 1960. The general part of this consists of four sections, the first one contains the general rules of criminal law, the second section contains the norms on the crime, the third part on the punishment, the fourth section on the imposition and release of punishment.

The special part consists of eleven chapters: Chapter 1 - crimes against the state;

Chapter II - crimes against life, health, liberty and dignity of an individual;

Chapter Three Crimes Against Socialist Property; Chapter 4 Crimes against private property of citizens; crimes against political and labor rights of citizens;

Chapter Six - Offenses of Officials; crimes against justice; economic crimes [7];

crimes against the administrative order;

crimes against public order and public security;

Chapter eleven consisted of military crimes.

This JK remained in force until April 1, 1995. If the analogue of the JV of Uzbekistan adopted in 1926 was used in analogy with the PC adopted on May 21, 1959, the analogy was completely abandoned [8].

The reason for the crime was due to the fact that in the former Soviet times humanity was divided into the opposite classes, based on Marxism.

With the development of socialist social relations in socialism, the theory was that 'society's members are becoming more mature and, as a result, crime is decreasing. The JK, adopted in 1959, developed in this context. In fact, without the

formation of socialist social relations in the former Soviet Union, the system of administrative command was dominated by society. Under these conditions, crime has not diminished, socialist social relations have not developed. The crisis of society was deepening. If the formation of the class of proprietors in the current system of market economy was openly declared and is a legal phenomenon in the society at that time, such a situation would have been hidden and constituted a crime. Even the centuries-old economic relations between people - the lawfulness of individuals in commerce, commercial activities by individuals [10]. The prohibition itself would give rise to criminality. The system of governance and economic management at that time caused the rise in economic crimes of official crimes.

The senior Russian criminologist according to Luneev, in the 60s of the 20th century, crimes committed in the former Soviet Union were 40-45%, in 1989 this figure increased to 70% [4, p.94].

The existing system of governance at that time was unable to stop the growth of crime. As a result, an attempt was made to stop the growth of crime through criminal law. During the period from 1961 to 1991, more than 350 additions and changes were made to the Criminal Code of Uzbekistan. But as the crisis of society grew deeper, the Soviet state ended its life in 1991, formerly; Uzbekistan was one of the first Soviet republics to declare independence. Uzbekistan has embarked on a path toward building a democratic democratic society based on the market economy.

CONCLUSION

Development and adoption of new laws of independent Uzbekistan has begun. The adoption of the Constitution of the Republic of Uzbekistan on December 8, 1992 provided the perfect environment for the development and adoption of all types of laws, including the new Criminal Code. On September 22, 1994, the first of independent Uzbekistan was adopted and put into operation on 1 April 1995. In summary, after 127 years of dependence the Criminal Code of the Republic of Uzbekistan was first adopted.

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