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The Activity of the Supreme Court in the Post-World War Ii Years

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Abstract: This article discusses the activities of the Supreme Court in the post-World War II years. The author provides a good overview of how the extraordinary wartime procedures were gradually abolished, the death penalty was repealed, and how the Supreme Soviet of the Uzbek SSR adopted the Criminal Code, Criminal Procedure Code, Civil Code, Civil Procedure Code, and the Law of the Uzbek SSR "On the Judicial System," with court cases being examined in accordance with these laws.

Keywords: Tribunal, jurisdiction, leadership, presidium, regulation, judge, constitution, code, plenum, justice, instance, panel, protest, collegium, prosecutor.

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In the years following World War II, a number of changes were implemented in the Soviet judicial system. The emergency procedures that had been in place during the war began to be gradually abolished. The jurisdiction of military tribunals was established in the judicial system, and their number was significantly reduced. At the same time, wartime procedures such as the appointment of military tribunal members, the 24-hour review of criminal cases, and the non-appeal of verdicts were abolished.

On May 26, 1947, the Presidium of the Supreme Soviet of the USSR adopted the Decree "On the Abolition of the Death Penalty". This document stated that after the victory over fascism, it was no longer necessary to use the death penalty in peacetime. According to the decree, the death penalty was officially abolished in the USSR, and a sentence of imprisonment for 25 years was introduced in its place.

After World War II, the issue of disciplinary liability of judges was not finally resolved until 1948. On July 15, 1948, the Regulation on the Disciplinary Liability of Judges was approved by the Resolution of the Presidium of the Supreme Soviet of the USSR . A disciplinary board was established in the Supreme Courts of the Soviet republics . However , it was not established as a permanent body, but rather to review relevant cases as they arose . Great work has been done to further improve the judicial system of the USSR and radically improve its overall functioning since 1953, when the party began a resolute struggle against all violations of socialist legality committed during the era of the cult of personality.

On August 14, 1954, in order to strengthen the role of local judicial bodies in exercising judicial control, the Presidium of the Supreme Council of the USSR adopted the Resolution "On the Organization of the Presidium of the Supreme Courts of the Union and Autonomous Republics, Regional, District Courts and Autonomous Regional Courts". On the basis of this resolution, the Presidium of the Supreme Court of the Uzbek SSR was established.

The Presidium of the Supreme Soviet of the USSR approved the resolution "Regulations on the Supervision of the Prosecutor General of the USSR" on May 24, 1955. It reflected Lenin's ideas about the tasks of the Soviet prosecutor's office.

The 20th Congress of the CPSU, held in February 1956, fully approved the political direction of the Central Committee, took effective measures to strengthen Soviet legality and strictly observe the rights of Soviet citizens guaranteed by the Constitution of the USSR. In addition, all party and Soviet bodies, as well as a number of judicial bodies, were ordered to firmly protect socialist legality and resolutely suppress all manifestations of arbitrariness and other harmful consequences of the cult of personality.

On February 11, 1957, at the 4th meeting of the 6th session of the Supreme Soviet of the USSR, a law was adopted based on the resolutions of the 20th Congress of the CPSU on expanding the rights of the Union republics. The law on the structure of the courts, the Criminal Code, the Code of Civil Procedure, the Code of Civil Procedure and other codes were adopted by the Union republics.

On February 12, 1957, the Supreme Council approved the "Regulations on the Supreme Court of the USSR" by a special law, which specified the functions of the Supreme Court of the USSR. According to it, the Supreme Court of the USSR was considered a court of first instance, considering criminal and civil cases of special importance. This instance performed the functions of a military tribunal, a cassation instance for districts and fleets, and also served as a judicial control body for all courts of the Soviet state.

By the Decree of the Presidium of the Supreme Soviet of the Uzbek SSR of March 23, 1959, the Ministry of Justice of the Uzbek SSR was abolished and its function of supervising the work of republican courts was transferred to the Supreme Court of the Uzbek SSR, which continued until 1970, when the republican Ministry of Justice was reorganized. The Supreme Court was given the functions of judicial administration. In 1959, the Supreme Soviet of the Uzbek SSR adopted the Law of the Uzbek SSR “On the Judicial Structure” of the Supreme Court of the Uzbek SSR, which came into force on January 1, 1960. In 1963, the Law of the Supreme Court of the Uzbek SSR and the Law of the Criminal Procedure Code were adopted, and cases were heard in the courts on the basis of these laws. In accordance with the Law of the Supreme Court of the Uzbek SSR on the Judicial Structure of the Uzbek SSR adopted in 1959, the Plenum was restored. He could give instructions to the republican courts on the implementation of the republican laws and hear cases on protests against the decisions, verdicts and rulings of all courts in the republic.

The Supreme Court of the USSR gave instructions on the application of All-Union laws in the consideration of judicial cases, and also supervised military tribunals. The civil judicial panel of the Supreme Court of the Uzbek SSR carried out certain works on the consideration of civil cases in the order of judicial supervision in the 1970s. The "Hayat checkpoint" was implemented in accordance with the law and the resolution of the Plenum of the Supreme Court of the USSR in 1974 "On the practice of reviewing civil cases through judicial supervision."

Protests against the decisions of the Supreme Court of the Uzbek SSR and the presidiums of regional courts were sent to the parties for review and, as a rule, the cases were considered with their participation. Usually, in the event that the protest was rejected, a detailed written response was sent to the applicants, and in addition, since 1975, the Chairman of the Supreme Court of the Uzbek SSR and his Written conclusions were drawn up on the cases approved by the deputies. It was assumed that the adopted decisions and normative documents would serve the correct and uniform application of legal norms.

Over the past 4 years, 1,686 applications have been submitted for review. In 1973, 422 applications were submitted for review, in 1974, 472 applications were submitted, in 1975, 459 applications were submitted, and in 1976, 333 applications were submitted. Of the 1,663 cases reviewed under the supervision procedure, 474 were labor-related, 246 were housing-related, 634 were marital-family-related, 109 were property-related, and 200 of them were other categories. Of the 1,615 cases that were received, 473 protests were filed in 758 cases, of which 299 were sent to the presidencies of regional

courts for review. In addition, 58 cases with submissions were received from people's courts, 32 of which were satisfied.

The Board examined 459 cases through judicial review of protests, including 394 cases on protests of the Chairman and Deputy Chairman of the Supreme Court of the Uzbek SSR, and 65 cases on protests of the Prosecutor of the Uzbek SSR. 455 cases were satisfied, 4 cases were rejected, 3 of which were prosecutor's protests. Among the satisfied cases, 291 cases were sent by regional courts for cassation, 48 for supervision, and 357 cases, or 78 percent of cases, were sent for re-examination due to the violation of the rights of the participants in the process and the lack of clarification of a number of circumstances that were important for the correct resolution of the cases. Thus, it can be seen that the system has become more active during this period.

The main reason why courts make decisions without carefully examining all the circumstances of the case is that in most cases, preparation for the trial was not carried out or was carried out only superficially and formally. At the same time, if the necessary circumstances were not identified within the evidence in the case, measures were not taken to collect this evidence in court. During the trial, the parties' arguments on the case were not always sufficiently and completely examined. Some courts did not comply with the Resolution of the Plenum of the Supreme Court of the USSR dated 11/X-1965 “On the Practice of Upholding Procedural Legality by Courts in the Consideration of Civil Cases” and the requirements of the Plenum of the Supreme Court.

Every year, more than 4,000 civil cases are closed by the republic's people's courts, and 1,600 lawsuits remain unheard. An analysis of the supervisory appeals and civil cases filed with the Supreme Court shows that in a number of cases, the requirements of Articles 241 and 244 of the 1972 Law of the Uzbek SSR “On the Preparation of Civil Cases for Trial” were violated as a result of the termination of the case and the dismissal of the claim without considering it.

The study of the materials of the practice of reviewing civil cases in the supervisory procedure showed that a number of legal issues arose in the courts of the republic, the resolution of which aroused great interest among judges in order to ensure a uniform and correct understanding of legal documents and the application of the law. What could be the circumstances:

In court practice, it has been established that there are cases of forced exchange of housing space by persons living in the housing space, not only due to the fault of the lessor, but also due to the fact that his wrongful behavior made it impossible to live together with him. Usually, the living space, the behavior of the residents, and the joint use of the apartment are strictly observed. A number of rulings of the Supreme Court of the Uzbek SSR explain the possibility of exchanging housing in cases where former family members (divorced spouses and others) do not agree to resolve housing disputes. The court, based on the options presented by the parties, had the right to resolve the issue of exchanging residential buildings in accordance with Article 361 of the Civil Code of the Uzbek SSR and Clause 14 of the Instruction “On the Conditions and Procedure for the Exchange of Buildings Presented by the Parties”.

There was no uniformity in the procedure for determining the value of residential property belonging to citizens on the basis of common ownership when filing a lawsuit in the courts of the republic regarding the division or allocation of a share.

Some judges formed commissions for various experts, community representatives, and neighborhoods, and sold buildings at their "real" value, while others sold them at the insurance and inventory values.

The valuation of buildings is carried out taking into account their obsolescence, in accordance with the valuation standards approved by the Councils of Ministers of Soviet republics or the Councils of Ministers of autonomous republics, and regional executive committees. The evaluation criteria were calculated based on the current state union chains for construction materials, their transportation tariffs, and wage rates for workers engaged in construction.

When considering cases of this category, a technical expert could be appointed, taking into account the fact that issues may arise that require prior knowledge of the court and clarification in accordance with Article 81 of the State Tax Code of the Uzbek SSR.

The expert opinion provided a conclusion on the suitability of the housing work, reconstruction or reconstruction for the purpose and the necessary costs; the cost of capital repairs; the actual cost of housing; and the amount of monetary compensation to be paid.

The courts of the Jizzakh region considered a number of cases of citizens being dismissed from administrative housing due to the loss of labor relations under Article 369 of the Civil Code of the Uzbek SSR.

In these cases, the defendants, having received administrative housing, left their jobs because they did not show the landlord the apartment and did not give him the right to move in.

The panel also explained to the courts the need to examine the objective reasons for the voluntary dismissal of defendants in this category of cases (institutions and others).

The Supreme Court of the USSR in the first instance also overturned one decision in another case. The decisions and rulings adopted on the basis of the report presented by the members of the court were overturned: An analysis of the decisions of the Presidium and Plenum of the Supreme Court of the USSR shows that the decisions of the regional courts were left unchanged and unfounded. In order to clarify important aspects of this relationship, 11 cases were sent to the relevant judicial instances for re-examination.

The work on the consideration of complaints and applications of citizens by the Board is carried out in accordance with the Resolution of the Plenum of the Supreme Court of the USSR No. 18/XII-1963 " On measures to further improve the consideration of complaints and applications of citizens in judicial proceedings" and the Resolution of the Plenum of the Supreme Court of the USSR No. 21/11-68 on this issue implemented in accordance with the decision.

Most complaints and applications were resolved in a timely manner, and the correct decisions were made on them. In total, 5,526 complaints were considered and resolved, as follows: in 1973 - 1,326, in 1974 - 1,546, in 1975 - 1,337, in 1976 - 1,317.

Supervisory appeals are usually resolved by the Supreme Court's leadership and panel members. The panel member's opinion on the need for reinstatement of appeals received for resolving cases is also communicated to the leadership.

From 1973 to 1976, the College received the following permits for 5,526 complaints and applications. 2,426 cases were sent for consideration by other bodies, 1,476 applications were rejected for recovery, and 1,622 cases were requested for inspection under the supervision procedure.

Of the applications, 3,706 or 88.6 percent were resolved within 5 business days, 334 or 8 percent within 10 business days, 3 percent within 15 business days, and 18 or 0.4 percent within 1 month.

It should also be emphasized that in some cases, due to the fault of the office staff, the Supreme Court of the Uzbek SSR did not resolve certain complaints in a timely manner, which led to violations of deadlines. In general, in the post-war period, as problems in the consideration of civil cases in the Supreme Court system were resolved, shortcomings in their activities became more apparent.

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