



Judicial System of the Uzbek SSR in the 60-70s of the XX Century

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ABSTRACT

This article describes the changes that occurred in the history of the judicial system of the Uzbek SSR in the 60s and 70s of the 20th century. In particular, after the death of Stalin, the implementation of liberal reforms in the judicial system, the abandonment of the centralization policy, the increase of powers of the allied republics in the judicial sphere, the holding of elections in the judicial system, and the national composition of judges are given. Also, the suppression of the best and most educated personnel who think independently and protect national interests in the judicial system by the Soviet authorities in the 70s of the 20th century is highlighted.

Keywords:

Supreme court, regional court, district court, city court, people's advisers, elections, law, sentence, decision, cassation, punishment

1.Relevance. One of the priorities for further development of public administration is the gradual democratization of the judiciary, ensuring strict adherence to constitutional norms on the independence of the judiciary. Over the years, significant work has been done to establish the judiciary as an independent and separate branch of government, to transform it from a penitentiary body into a truly independent institution of the state that protects and reliably protects human rights and freedoms. The adoption of a number of decrees by the President of the Republic of Uzbekistan Sh. Mirziyoyev on radical improvement of the structure of the judicial system is an important step in the implementation of these tasks, raising the state policy in this area to a qualitatively new level. The study and research of the history of the judiciary, which is an integral part of the history of statehood in the process of changes in the current judicial system, is one of the urgent tasks facing the science of history.

2. Research methodology. The article is based on generally accepted historical methods: historical, comparative and logical analysis, consistency, objectivity, in which the history of the formation of the judicial system of the Republic of Uzbekistan is studied on the basis of historical sources and relevant regulations. Some aspects of the formation of the judicial system have been covered in research conducted by lawyers such as U.Mingbaev, F.Muhitdinova, M.Rustamboev, U.Tukhtasheva and have not been studied by historians as a special study. However, the formation of the judiciary requires a study of its integral relationship with socio-political and economic reforms, a comprehensive coverage of the gradual development of the judiciary, noting the causes and consequences.

3. Results of the research. After the death of Stalin, as a result of the reforms aimed at increasing the freedom of the allied republics in the judicial sphere, on May 21, 1959, at the second session of the Supreme Soviet of the

Uzbek SSR, the Law on the Organization of the Court of the Uzbek SSR was adopted and entered into force on January 1, 1960 [1.-p.3]. Article 1 of this law stated as follows: "Justice in Uzbekistan is carried out by the Supreme Court of the Uzbekistan SSR, the Supreme Court of the Karakalpakstan ASSR, regional courts, district (city) people's courts, as well as military tribunals on the territory of the UzSSR" [1.-p.3]. Based on this, the existing judicial system in Uzbekistan was divided into two groups. The first group includes the Supreme Court of the Uzbekistan SSR, the Supreme Court of the Karakalpakstan ASSR, regional courts, district (city) people's courts, which are subject to the jurisdiction of Uzbekistan and issue judgments and decisions on behalf of the Uzbekistan SSR. Military tribunals belonged to the second group, subordinated to the Supreme Court of the USSR, and passed judgments and decisions on behalf of the USSR.

The People's Court was the main link in the Soviet court system. There was a chapter of 8 articles on district (city) people's courts in the law on judicial organization of the Uzbek SSR [1.-pp.9-11.]. In this chapter, all issues related to the activity of the people's court were explained.

The law introduced a number of changes to the activity of people's courts. First, the procedure of the people's courts being divided into precincts, which existed in 1925-1959, was abolished. Since 1960, the unified people's court has served all residents of the district or city. A district (city) people's court is established in each district or in cities that are not divided into districts.

Second, the term of office of all judges in the judicial system of the Uzbek SSR was set to 5 years. Previously, people's courts were elected for 3 years, judges of higher courts were elected for 5 years. District (city) people's judges are elected for five years by secret ballot on the basis of general, equal and direct suffrage by citizens living in the area. Every citizen who had the right to vote and reached the age of 25 before the election day could be elected as a judge and people's councilor [1.-p.6].

Thirdly, in connection with the liquidation of the Ministry of Justice of the Uzbek SSR, the main part of its powers was assigned to the Supreme Court. In particular, the number of people's judges for each district (city) people's court was determined by the Council of Ministers of the Uzbek SSR on the recommendation of the chairman of the Supreme Court of the Uzbek SSR, and in the Karakalpak ASSR, the number of people's judges was determined by the Council of Ministers of the Karakalpak SSR on the recommendation of the chairman of the Supreme Court of the Karakalpak ASSR [1.-p.10].

People's councilors of people's courts are elected for a two-year term by open voting at general meetings of workers, servants and peasants at their workplaces or residences, and at general meetings of military personnel at military units.

While performing their duties in the court, the people's councilors used all the rights that belong to the judge. People's councilors are called to perform their duties on a rotating basis, but in any case for no more than two weeks a year.

The procedure for electing people's judges and people's advisers is defined by the "Regulation on the Election of District (City) People's Courts of the Uzbek SSR" approved by the Presidium of the Supreme Soviet of the Uzbek SSR.

In October 1960, the Presidium of the Supreme Soviet of the Uzbek SSR made a decision to set the election day for people's judges and councilors. Based on this decision, elections for the post of people's councilors were scheduled from November 25 to December 10, 1960, and for the post of people's judge on December 11, 1960 [2].

As a result of the elections held in December 1960, 175 people's judges and 12622 people's councilors were elected. 22 people's courts were located in the city area, 116 in the district area. 75 (43%) of the elected people's judges and 6379 (50.5%) of the people's councilors were women [3]. The number of highly educated experts among judges has increased.

Since the term of office of people's councilors in the People's Court is set to 2 years, elections will be held in Uzbekistan in 1963, 1965, and 1967. For example, in the 1963 elections, a total of 16,689 persons were elected as people's advisers to the people's court and high courts. Among them, there were 6930 women, 8911 workers, 3298 collective farmers, and the rest belonged to different social strata. There were representatives of more than 60 nationalities among the 17,000 elected councilors [4.-p.37].

On December 19, 1965, elections for the next post of people's judge will be held in the Uzbek SSR. 192 judges were elected to 114 people's courts in the republic [5]. Year by year, the number of people's judges, their national composition and the level of higher education in the field of law are increasing.

On December 13, 1970, elections for people's judges and people's advisers will be held in the Uzbek SSR. The Presidium of the Supreme Soviet of the Uzbek SSR made a decision on this on October 29, 1970 [6]. Elections will be held for 147 district and city people's courts throughout the republic. As a result of the election, 225 people's judges were elected. 48 people's judges (21.3%) were elected to this position for the first time.

The number of people's judges in regions was as follows: 24 in Tashkent, 22 in Samarkand, 21 in Andijan, 20 in Bukhara, 20 in Fergana, 18 in Syrdarya, 13 in Kashkadarya, 13 in Namangan, 12 in Surkhandarya, 10 in Khorezm, 37 in Tashkent and 15 people's judges in Karakalpakstan ASSR and all 16,650 people's councilors were elected in the republic [7].

217 of the elected people's judges had higher education, and 8 had secondary specialized education. There were judges with secondary education: 2 in Andijan, 2 in Fergana, 2 in Namangan, 1 in Karakalpakstan ASSR, 1 in Kashkadarya. People's judges in all other regions had 100% higher education.

Of the 225 people's judges, 185 were men, 40 were women, 222 of the judges were members of the Communist Party, and 3 were non-party members.

The national composition of people's judges was as follows: 163 Uzbeks, 20 Kazakhs, 18

Russians, 7 Karakalpaks, 5 Tatars, 3 Armenians, 2 Kyrgyz, 2 Tajiks, 1 Ukrainian, 1 Jew, and 3 representatives of other nationalities [8].

People's courts receive many lawsuits every year regarding the dismissal of workers by the administration. There were 803 cases of this type throughout the republic in 1972, 710 in 1973, 728 in 1974, 633 in 1975, 591 in 1976, 476 in 1977, 468 in 1978, 245 in the first quarter of 1979. [9]. If we analyze the claims related to labor relations considered by the courts, we can see that most of them were satisfied and a decision was made to compensate the material damage caused to the workers. For example, in 1978, 342 persons were reinstated in 468 cases, and 189 persons were reinstated in 245 cases in the first half of 1979[10].

In 1976, the courts ruled that the administration should pay 91,803 soums in favor of unfairly dismissed persons, and in 1977, 73,336 soums.[11] In 1978, 81 cases and 33 cases in the first quarter of 1979 were considered in mobile court sessions with the participation of the labor team for consideration of cases related to violations of the labor law.

In 1960, regional courts of Tashkent, Samarkand, Bukhara, Surkhandarya, Khorezm, Andijan, Fergana, and Syrdarya operated in the Uzbek SSR. The composition of the regional court was elected by the regional council of workers' deputies for a period of five years. The number of members of the regional court was determined during the election of the court by the workers' deputies of the regional council with the recommendation of the Supreme Court of the Uzbek SSR [1. -p.11.].

The regional court consisted of the chairman, deputy chairman, members of the court and people's advisers, and worked in the following committees:

- a) the jury for civil cases;
- b) the jury for criminal cases;
- c) presidium of the court.

The regional court supervised the affairs of district (city) people's courts in the region in the following ways:

- a) cassation appeals and protests filed against the decisions, judgments and rulings of the

district (city) people's courts heard in the judicial panels on civil and criminal cases;

b) Protests against legally binding decisions, judgments and rulings of district (city) people's courts, as well as cassation rulings of regional court panels, are considered at the presidium of the regional court.

The civil and criminal trial commissions of the regional court considered civil and criminal cases as a court of first instance. Judicial panels of the regional court considered civil and criminal cases as a court of first instance, chaired by the chairman or deputy chairman or member of the regional court and two people's advisers. Judicial commissions of the regional court considered the cassation appeals and protests against the decisions, verdicts and rulings of the district (city) people's courts in the composition of three court members.

The Regional Court had a Presidium. The number of Presidium members is determined by the Presidium of the Supreme Soviet of the Uzbek SSR [1.p.12.]. The personnel composition of the Presidium of the Regional Court was approved by the Executive Committee of the Regional Soviet of Workers' Deputies.

The Presidium of the regional court considered the protests against the decisions, judgments and rulings of the district (city) people's courts that entered into legal force, as well as against the cassation rulings of the judicial panels of the regional court. The participation of the regional prosecutor in the meetings of the Presidium of the Regional Court was mandatory.

At the suggestion of the Supreme Court of Uzbekistan, on September 24, 1965, the Presidium of the Supreme Soviet of the Uzbek SSR adopted the decree "On additions and amendments to the law on the structure of the judiciary of the Uzbek SSR". According to these decrees, Tashkent city court was established [12.p.18]. Also, in the process of approving the decree, amendments were made to Articles 102 and 107 of the Constitution of the Uzbek SSR [13].

The Supreme Court of the Karakalpakstan ASSR is the highest judicial body in the Karakalpakstan ASSR. The Supreme Court of the Karakalpakstan ASSR was elected by the

Supreme Soviet of the Karakalpakstan ASSR for a five-year term [1.p.14].

The composition of the Supreme Court of the Karakalpakstan ASSR consisted of the chairman, his deputy, members of the court and people's advisers. The composition of the Supreme Court of the Karakalpakstan ASSR consisted of the following structures:

- a) the jury for civil cases;
- b) the jury for criminal cases;
- c) Presidium of the court.

The Supreme Court of the Karakalpakstan ASSR considered the civil and criminal cases entrusted to it by law as the first instance, consisting of the chairman and two people's advisers.

The Supreme Court of the Karakalpakstan ASSR considered the cassation appeals and protests against the decisions, judgments and rulings issued by the people's courts of the autonomous republic on civil and criminal cases in the cassation procedure in the relevant judicial panels.

Appeals against legally binding decisions, judgments, rulings of district (city) people's courts, as well as cassation rulings of the Supreme Court of the Karakalpakstan ASSR were reviewed by the Presidium of the Supreme Court of the Karakalpakstan ASSR. The participation of the prosecutor of Karakalpakstan in the meetings of the Presidium of the Supreme Court of the Karakalpakstan ASSR was mandatory.

At the Plenum of the Supreme Court of the Uzbek SSR held in August 1979, it was mentioned that the regional courts are ignoring the mistakes made by the people's courts. In 1977-1978, 11.8% of people's courts changed verdicts, and in 1979 it was 12.8%. 21.1% of people's courts whose verdicts and decisions were changed in Karakalpakstan ASSR and 13.6% in Namangan region [14]. It was noted that most of the mistakes of the courts are eliminated not in the regional court in the cassation procedure, but in the Supreme Court in the control procedure.

It was noted that the number of judgments annulled in the control procedure in the Republic is one and a half times higher than the sentences annulled in the cassation procedure.

For example, in 1977, in the republic, 488 judgments were overturned in the cassation procedure, and 752 judgments were overturned in the control procedure. In 1978, these numbers were 406 and 680, in 1979, 427 and 806, and in 1980, 436 and 762[15].

In the Kashkadarya regional court, the sentence given to one out of three persons (33%) was canceled. These numbers were 16.3% in the Supreme Court of the Karakalpakstan ASSR, 16.7% in the Syrdarya Regional Court, and 14.3% in the Bukhara Regional Court [16]. In general, almost one out of every three cases considered in the cassation procedure in the republic was canceled in the control procedure. This was a negative assessment given by the Supreme Court to the regional courts.

The establishment and powers of the Supreme Court of the Uzbek SSR were described in Chapter V of the Law on the Court Structure of the UzSSR. The Supreme Court of the Uzbek SSR is the highest judicial body of the republic, and it was assigned to supervise the judicial activities of all judicial bodies in the Uzbek SSR and the Karakalpakstan ASSR.

The chairman, deputy chairman, members and people's advisers of the Supreme Court of the UzSSR were elected by the Supreme Soviet of the Uzbek SSR for a period of five years. The composition of the Supreme Court was determined by the Supreme Soviet of the Uzbek SSR at the time of the election[1.-B.16].

The Supreme Court of the UZSSR is composed of a civil trial panel, a criminal trial panel, a Presidium and a Plenum. The Supreme Court of the Uzbek SSR supervised judicial activities in the following order:

- a) heard cassation appeals and protests against decisions, judgments and rulings of the Supreme Court of the Karakalpakstan ASSR and regional courts;
- b) considered the decisions, judgments and rulings of all courts in the republic, the decisions of the Supreme Court of the Karakalpakstan SSR and the presidiums of the regional courts, as well as the protests against the decisions, judgments and rulings of the judicial panels of the Supreme Court of the Uzbek SSR.

The civil and criminal trial commissions of the Supreme Court of the Uzbek SSR considered the civil and criminal cases submitted to the Supreme Court of the Uzbek SSR in accordance with the law as a court of first instance.

The judicial panels of the Supreme Court of the UZSSR, when hearing cases as a court of first instance, are composed of a chairman or presiding member and two people's advisers, and when hearing cases in the cassation or control procedure, they discuss and issue judgments and decisions.

The Presidium of the Supreme Court of the Uzbek SSR consists of the chairman of the court, his deputies and members of the court, and its composition is approved by the Presidium of the Supreme Soviet of the Uzbek SSR in accordance with the presentation of the Supreme Court of the Uzbek SSR. The Presidium of the Supreme Court also considered organizational issues related to the activity of courts and state notary offices in Uzbekistan.

The law on the structure of the judiciary of the UzSSR stipulated the establishment of a plenum in the Supreme Court of the Uzbek SSR. On August 16, 1938, in accordance with the law "On the judicial structure of the USSR, allied and autonomous republics" adopted at the second session of the Supreme Soviet of the USSR, judicial authorities were centralized, and the Presidium and Plenum of the Supreme Court of the Uzbek SSR were abolished. After the death of Stalin, in connection with the increase of powers of the allied republics in the field of justice, the Presidium was restored in 1954 and the Plenum in 1960 in the Supreme Court of the Uzbek SSR. Articles 65 and 66 of the Law on the Judicial Structure of the Uzbek SSR specified the rules for the proceedings of the Plenum [1.-p.19].

The chairman of the Supreme Court, deputy chairman and all members of the Supreme Court participated in the Plenum of the Supreme Court of the USSR. The participation of the Prosecutor of the Uzbek SSR in the plenary sessions was mandatory. Plenum sessions are convened at least once every three months.

The plenum studied and summarized the judicial practice, court statistics and the decisions issued by the Supreme Court of the USSR, and based on the results of this generalization, it gave explanations in the form of a manual on the issue of how the courts of the republic should apply the laws of the USSR in civil and criminal cases. Such explanations could be given based on the presentation of the Prosecutor of the USSR.

The Plenum made a submission to the Presidium of the Supreme Soviet of the USSR on the issues that should be resolved by legislation and require the interpretation of the laws of the USSR.

Decisions of the plenum are made by a simple majority vote of the members participating in the meeting. The chairman of the Supreme Court of the Uzbek SSR was considered a member of the Supreme Court of the USSR according to his duties and participated in the sessions of the Plenum of the Supreme Court of the USSR.

Judges are subject to disciplinary liability for service defects and actions that damage the reputation of the judiciary. Disciplinary commissions were formed at regional courts, Supreme Court of Karakalpakstan ASSR and Supreme Court of Uzbekistan SSR to consider cases of disciplinary liability of judges. Disciplinary action was initiated by the presidents of the court.

According to the Decree of the Presidium of the Supreme Soviet of the USSR dated October 1, 1970, the Ministry of Justice was reorganized in all allied and autonomous republics. On this basis, the Ministries of Justice were established in Uzbekistan and Karakalpakstan. The Ministry of Justice of the Uzbek SSR operated on the basis of the regulation approved by the decision of the Council of Ministers on September 27, 1972 No. 427 [17.p.83]. According to the Constitution of the Uzbek SSR, the Ministry of Justice was a union-republican ministry, subordinated to the Council of Ministers of the Uzbek SSR and, together with it, to the Ministry of Justice of the USSR.

In 1964-1966, the Supreme Court of the Uzbek SSR was headed by academician Khadicha Sulaymanova[18]. After his death, S. Kh.

Polathojaev, who served as the first deputy of the Supreme Court, was elected as the chairman of the Supreme Court[19.-B.46-47]. On November 29, 1967, the Supreme Soviet of the Uzbek SSR approved the new composition of the Presidium of the Supreme Court of the Uzbek SSR, and it included the Chairman of the Supreme Court S. Kh. Polathojaev, his first deputy M. M. Birkin, deputies H. M. Muhitdinova, M. Siddikov, members M. .Olimjonova, A.L. Gorenkova, I.E. Zhukov, T. Umarov, M. Usmanov were introduced [20-p.3].

In April 1969, after the match between "Pakhtakor" and Moscow "Torpedo" teams in Tashkent, young people who were saddened by the injustice of the referee left the stadium, threw stones at the windows of shops on Navoi Street and around Komsomol Lake, and damaged cars [1.-p.9]. Chairman of the Supreme Court of Uzbekistan, S. Kh. Polathojaev, will consider this case in court and impose a sentence. However, leaders at the center believe the punishment is light. As a result, at the meeting held in the Central Bureau of the Communist Party of Uzbekistan on January 12, 1972, S. Kh. Polathojaev was announced with a severe party complaint[1.-p.10]. The meeting participants also agreed to request separate teams of investigators from the Center to deal with this case.

And the center needed the same result - a "plea" from the national republics. Yu.Zverev, Yulyubimov, military investigators of the USSR General Prosecutor's Office for important cases, V.Golst, Kovalev, member of the investigative team of the USSR Prosecutor's Office E.I. Mekhriliev, Krasnovodsk Dozens of investigators, such as the senior investigator of the regional prosecutor's office E.I. Mukhralsky, the deputy head of the Vittebsk regional intelligence agency G.E. Erzaev, the investigator of the Moscow city intelligence agency A.S. Prokhorov, will come to Uzbekistan and start the next "clearing work".

As a result of the pressure of the investigators from the center, on June 9, 1972, a number of members of the Supreme Court of the Uzbek SSR were released from their positions early. These were M. Maksudov, T. Abdullaev, Q.

Sayfutdinov, T. Umarov, Sh. Khojaev[21.-pp.366-367]. Later, a criminal case was opened against them.

On November 15, 1972, by the decree of the Presidium of the Supreme Soviet of the Uzbek SSR, S. Kh. Polatho'jaev was relieved of his duties, and Kh. Muhiddinova, who is working as the deputy president of the Supreme Court of the Uz SSR, was appointed in his place[22.-p.671]. On December 27, 1972, by the decision of the Supreme Soviet of the USSR, a new composition of the Supreme Court of the USSR was elected. Halima Muhitdinova, her deputies A.V.Dobronrovov, B.A.Navrozov, 24 members of the court and 120 people's advisers were confirmed as the chairman of the Supreme Court of the UZSSR[23.-pp.729-732]. Halima Muhiddinova worked in this position in 1972-1982.

In 1975, more than thirty leaders of the Supreme Court of Uzbekistan, regional and district courts were imprisoned. As a result, the chairman of the Supreme Court of the Uzbek SSR S.Kh. Polatho'jaev for 10 years, his deputy M. Siddikov for 9 years, the members of the Supreme Court D. Sulaimanov for 15 years, T. Umarov for 8 years, T. Abdullaev for 15 years, the chairman of the Bukhara regional court E. Orifjonov for 10 years, Chairman of Namangan regional court M. Rakhimov will be deprived of liberty for 6 years, chairman of Tashkent city court A. Mutalov for 10 years, his deputy S. Dadajonov for 9 years, chairman of Khorezm regional court B. Razzokov for 10 years[24. - p.22].

S. Kh. Polatho'jaev was charged with 16 counts. EA Smolentsev, Chairman of the Committee on Criminal Cases of the Supreme Court of the USSR, presides over this court case. He is assisted by V.A. Korzhenevskaya and V.I. Ivanov, advisors of the Supreme Court of the USSR. Assistant Prosecutor General of the USSR V.G. Demin will participate as the state prosecutor.

During the investigation, 12 episodes out of 16 accusations brought against S.Kh.Polatho'jaev were not proven in court. In fact, the remaining four episodes also featured outlaws. In particular, all the charges were related to bribery, and the sentence was based on

assumptions and was not proven by sufficient and reliable evidence.

Usually, in order to bring criminal responsibility for bribery, first of all, it is necessary to arrest the accused at the time of the commission of the crime - at the time of bribery, and at the same place, to draw up physical evidence with special marks and a report describing the crime. A person can be accused of bribery only when these conditions are met. In general, accusing someone of taking a bribe five or six years ago seems like a big deal. Even so, verbal instructions alone are enough to deprive those in the judicial system of their liberty for long periods of time. The subject of the charge crime of "taking a bribe" is announced without a bribe.

As mentioned above, the Supreme Court, which did not want to obey the instructions of the center, was retaliated in this way. It was to show that the center has the power to appoint the leader of the national republic at any level it wants, and that the instructions of the center are superior to any law.

4.Conclusion. In short, in the late 1950s and early 1960s, the national republics were given some "freedom" regarding the organization of the judicial system, laws and codes on courts were adopted. On the basis of these laws, in the 60s and 70s of the 20th century, elections were held for the positions of judges in all branches of the judicial system of the Uzbek SSR, people's advisers were elected. The national composition of judges has expanded, and the level of higher education in the field of law has reached 100%. However, these changes did not affect the essence of the courts. The independence of judges remained limited in all respects. Although there were no mass repressions as in Stalin's era, independent and dissident cadres were particularly punished in the judicial system. In the mid-70s, the sad fate of the most qualified and educated personnel in the judicial system was a clear proof of this.

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