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FROM THE HISTORY OF THE FORMATION AND DEVELOPMENT OF MILITARY COURTS

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Abstract

To understand the history of military courts in the 21st century in depth, it is necessary, first of all, to look at their emergence and ancient history. The roots of military courts date back to the militarization of human society, that is, to ancient times, when wars and armed conflicts occurred. During the first military campaigns, the need to maintain military discipline and impose punishment on those who violated orders led to the formation of special procedures. Thus, the first forms of military courts emerged, which, over time, improved and became an integral part of the state and defense structure. The study of these historical processes provides the basis for a correct understanding of today's modern military judicial system.

The emergence of military courts is directly related to the formation of statehood, and along with the emergence of centralized power, it created the need to maintain internal order in the state, especially in the Armed Forces. Thus, military courts were formed as an integral part of state administration and the structure of a militarized society.

The process of state formation is a historically, socially and politically complex phenomenon, in which the role of the Armed Forces has always played a central and decisive role. The Armed Forces are not only a force that protects the state from external threats, but also an important institution that ensures internal stability, preserves the constitutional order and guarantees the peaceful life of citizens.

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Although the Armed Forces have always been an organization based on discipline, in real military life, for various reasons, irregularities, disobedience to orders, desertion, betrayal, military robbery, looting, and even rebellions have occurred. In such circumstances, military crimes were tried and punished in different ways depending on the era, region, and political system. If we look at history, people's judges, military courts, military field courts, and military tribunals were established to consider the cases of military personnel who violated discipline.

Discipline in the mighty army of the great Amir Temur was also ensured in this way. In the "Temur Regulations", our grandfather states, "I appointed a special judge for the army and a separate judge for the subjects."¹. It can be seen from this that cases of violations of the law by soldiers in the army of Amir Temur were also considered by specially appointed judges, and the decisions made by them served to ensure strict discipline within the army.

After the Russian Empire conquered the territories of Central Asia in the second half of the 19th century, it introduced its own administrative, military and judicial system here. In Turkestan, military courts served as an important lever of the colonial order, especially in suppressing rebellions, military crimes and maintaining order. Rebellions of the local population against the Russian Empire were often brutally punished by military courts.

After the October coup of 1917, with the establishment of Soviet power in Turkestan, the political and social system began to change radically. This process was accompanied by the establishment of military control by the Red Army and the adoption of repressive measures against movements against the new government. It was in such conditions that revolutionary military tribunals, that is, special judicial bodies within the Soviet armed forces, were established and began to perform important political and military tasks.

¹ "Temur tuzuklari", Toshkent- "O'zbekiston" nashriyot-matbaa ijodiy uyi, 2016. B. 80.

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Starting in 1918, revolutionary military tribunals were established on the fronts and in military units of Soviet Russia. This procedure was also introduced in Turkestan, and the tribunals began to operate in units of the Red Army. In the conditions of the ongoing large-scale armed resistance movement in the Turkestan region, revolutionary military tribunals became one of the main repressive mechanisms of the Soviet government. Many commanders, military commanders, and local political forces were punished precisely by the decisions of the military tribunal. Military tribunals left their mark in history as a repressive link in the Soviet legal system.

A resolution of the Politburo of the RCP(b) "On the Chiefs of Printing Houses", adopted in 1919, is instructive in this sense: "The Central Asian Bureau was instructed not to release the chiefs of printing houses and to immediately hand them over to the Court of the Supreme Court, with a view to imposing the highest punishment.²

After the formation of the Uzbek SSR after the administrative-territorial delimitation in 1924, the military tribunal structures in the republic were reorganized as part of the regional modification of the Soviet military-political structure. During this period, the activities of the military tribunal were mainly aimed at considering cases related to armed resistance, desertion, sabotage, theft, and violations of service discipline.

During the 1930s, when political repressions intensified throughout the USSR, many individuals declared "enemies of the people" were tried through the military tribunal system in the Uzbek SSR. Military tribunals, which operated in cooperation with the NKVD, paid particular attention to political crimes. During the "Great Terror" of 1937–1938, military tribunals had special powers and, after short-term investigations, had the authority to punish many individuals, even to

² Polvonzoda A.A., Abdumajidov G'.A. O'zbekistonda sud hokimiyati: islohotlar davri. – Toshkent: Adolat, 2002. B-6

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sentence them to death. Trials were often held behind closed doors, and human rights were grossly violated.

During World War II, the role of military tribunals in Uzbekistan increased even more. They were responsible for maintaining order behind the front lines, punishing those who violated the laws of war, and trying deserters. In addition, the actions of German and other prisoners of war, as well as evacuated enterprise workers, were also under control.

In the late 1980s and early 1990s, as the Soviet system collapsed, the powers of military tribunals gradually diminished. During this period, military tribunals tried cases of illegal actions by military personnel, as well as cases of military personnel who had failed to fulfill their duty or committed crimes during the Afghan War (1979–1989).

Although the Soviet Union underwent relative reforms in the judicial system after Stalin's death, military tribunals remained effectively subordinate to Moscow. The central government retained political control over judicial processes. This limited judicial independence in local regions.

In the 1980s, the military power of the USSR also began to weaken. The long-running Afghan War (1979–1989) inflicted heavy losses on the Soviet army and undermined its prestige. The lag in military technology with the West, the reduction of military spending due to the economic crisis, and the problems with the production of modern weapons negatively affected the combat potential of the USSR army. In addition, there was an increase in desertion among young people, and there was a growing lack of discipline and morale in the army. All this clearly demonstrated the weakening of Soviet military power.

In general, during the nearly seventy years of Soviet rule, military tribunals, as an integral part of the structure of the Armed Forces, performed the task of ensuring military discipline, combating counter-revolutionary movements, and ensuring the security of the authoritarian regime. The activities of the military tribunal were directly controlled by the Military Board of the Supreme Court of

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the USSR and the Ministry of Defense. Trials were conducted on the basis of communist ideology, and harsh punishments were applied to "enemies of the state." In such circumstances, on June 20, 1990, the Declaration of Independence of the Uzbek SSR was adopted³. This declaration was an important official step in Uzbekistan's quest for independence, paving the way for the declaration of full independence on August 31, 1991. The declaration legally strengthened the desire of the Uzbek people to determine their own destiny.

On August 31, 1991, at the extraordinary VI session of the XII convocation of the Supreme Council of the Republic of Uzbekistan, a legal document that marked a turning point in the country's history was adopted - the Law "On the Fundamentals of State Independence of the Republic of Uzbekistan".⁴ This law legally strengthened the fact that the Republic of Uzbekistan has embarked on the path of independent development as a sovereign state.

Article 6 of this law, as one of the most important attributes of state independence, defined the powers of Uzbekistan to ensure its national security. In particular, this article stated as follows: "The Republic of Uzbekistan has the right to establish the Ministry of Defense, the National Guard and non-military (alternative) service." This article defines the right to independently form the defense system, military structures and alternative forms of service, which are integral features of any sovereign state. This, in turn, served to strengthen the internal and external political, legal and strategic foundations of state independence.

Any independent state protects its sovereignty with institutional and functional foundations. The establishment of the Ministry of Defense and the National Guard is envisaged as the main means of strengthening the military-strategic independence of the Republic of Uzbekistan, national security policy, and the primacy of state bodies.

³ O'zbekiston SSR Mustaqillik deklaratsiyasi. Elektron manba: <https://lex.uz/ru/docs/-18539>.

⁴ O'zbekiston Respublikasining davlat mustaqilligi asoslari to'g'risidagi qonun. // O'zbekiston Respublikasi Oliy Kengashining axborotnomasi. –Toshkent, 1991 y., 11-son, 6-modda.

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The creation of the Ministry of Defense and the National Guard meant that it was necessary to perform functions such as maintaining internal stability, protecting the rights and freedoms of citizens, and strengthening the constitutional system, not only against external threats.

After the Republic of Uzbekistan gained its state independence, protecting the country's security, territorial integrity, and the constitutional rights and freedoms of citizens became one of the priorities of state policy. In this regard, one of the important political and legal documents adopted was the Decree of the President of the Republic of Uzbekistan "On the Establishment of the Ministry of Defense of the Republic of Uzbekistan" dated September 6, 1991.

The decree was adopted based on the Law "On the Fundamentals of State Independence of the Republic of Uzbekistan". This law created the legal foundation of the republic's independence and strengthened the necessary legal guarantees for the state to make independent decisions in domestic and foreign policy. This, in turn, led to the need to form and develop a national security system.

According to the decree, the establishment of the Ministry of Defense in the Republic of Uzbekistan created the necessary conditions for the country to have its own defense system and ensure its military-political independence. The establishment of the new ministry was intended to achieve the following goals:

- protect the territorial integrity of the state;
- protect the rights and freedoms of citizens;
- effectively combat external and internal threats;
- develop and independently manage the national military potential.

The Decree on the Establishment of the Ministry of Defense of the Republic of Uzbekistan will remain in history as one of the most important documents in the history of statehood of independent Uzbekistan. It served not only to strengthen the country's military potential, but was a strategic decree aimed at achieving such

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ambitious goals as ensuring the independence of the state in practice and guaranteeing national security.

The Ministry of Defense organized its activities primarily on the basis of the organizational and legal framework of the previously established Committee for Defense Affairs. At the same time, the General Staff and relevant departments and divisions were formed within the Ministry of Defense of the Republic of Uzbekistan on the basis of the existing management structures of the Turkestan Military District. This made it possible to form a national defense system with the effective use of existing military infrastructure and management experience.

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