

# Formation of Constitutional-legal Bases of Tajikistan's Central Executive Power Bodies in the Soviet Period (1918 – 1929)

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**Abstract:** In this work the author analyzes a huge landmark in the development of his country, that is the period of its being part of the Soviet state. Social-political formation and even the borders of Tajikistan were being considerably changed within these time limits on the base of the RSFSR's, the Uzbek SSR's, the Tajik ASSR's and later on – the Tajik SSR's legislation. An attempt is being made here of a conceptualized inner division of the lawful phenomenon which is being regarded from the point of view of its historic meaning into its own stages. As well as the rightful bases of the Soviet part of being of previously Turkestanish Tajiks in the Russian Empire's composition and the ones of today – in the one of the CIS, the consequences of this period for them are being investigated.

## 1 INTRODUCTION

In the October Revolution of 1917 post-victory period in Turkestan the Civil War against the Soviet Power was flying into a tantrum till the September Revolution in Bukhara on the territory of today's Tajikistan. Until that historic period and up to the moment of the formation of the Soviet Power there was no state of Tajikistan on the map of the World. In the beginning of the 20-th Century according to the national-territorial delimitation the modern territory of Tajikistan is situated in different states' compositions. The northern districts ( the today's Soghd Province) and most of the modern Pamirs were part of the Turkestan General-Gubernatorialty, herewith it should be separately picked out that a first-hand part of Russia (the today's Khatlon Province and the districts of central subjection) were part of the Bukhara Emirate. In this connection the process of the genesis of a constitution and the development of state management was occurring by fits and starts. Each of these states in correspondence with the tasks and the concretely-historic conditions had its peculiar properties which found their reflections in the state management.

When exploring the process of the formation and development of historically Tajik executive power central bodies it's all-important to regard the complex of relationships which became real upon that moment, in particular social processes and tendencies, in effect. Being limited by just constitutional characteristics will not result expectedly without regarding the factual relationships.


## 2 METHODOLOGY OF THE RESEARCH

In the process of this exploration comparative-historical, political-judicial methods and comparative-judicial analysis were used.

## 3 DIVISION INTO PERIODS

In light of the uttered, the process of the executive power central bodies' formation and development in

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the Soviet period in Tajikistan will be divided by us into three stages:

Genesis of the new executive power central bodies' system on the territory of the today's Tajikistan until the forming of the Tajik SSR (Soviet Socialist Republic) (1917-1924);

Executive power central bodies' system development in the Tajik SSR (1924-1929);

Executive power central bodies' system in the Tajik SSR (1929-1990).

The first structure of power on the territory of the today's Tajikistan appeared after the victory of the February Revolution. In April, 1917, the Turkestan Committee of the Provisional Government was formed in Tashkent (Provisional Government 1st Department's Legitimations and Orders Assamblage, 1917). To help the commissars of the Provisional Government regional, town and volost committees and social security committees were formed (Victory of the Soviet Power in Central Asia and Kazakhstan, 1967). Rural latitude was first of all mastered by the elder with white beards, as it had been formerly.

For a more detailed studying of this long item it is necessary to consider the process of the formation and organization of the state bodies for which the creating of the new government was one of the key forms. The 2<sup>nd</sup> All-Russian Congress of the Soviets of Worker and Soldier Deputies adopted the historic decrees of peace and land. The All-Russian Central Executive Committee was elected by it and the first Soviet Government of Folk Commissars for managing the country was formed (Edward Carr, 1990).

Under direct influence of the revolutionary events in Russia the Soviet form of governing was constituted in the then Tajikistan, as well. Herewith the constituting of the Soviet governing form was elapsing in particular history conditions of Tajikistan (A.Z. Kukanov, 2012).

Since the 1<sup>st</sup> months of revolutionary changes the northern districts of the today Tajikistan were part of the Russian Federative Socialist Republic. The first Soviet Constitution being adopted at the V Congress of Soviets as the basic law in July, 1918, became the first source of managing modern Tajikistan after the establishment of the Soviet Power. The state was passing on from capitalism to socialism, from what juridical fixing of the proletariat's dictatorship was following. The RSFSR Constitution of 1918 proclaimed all the working population of the country united into urban and rural Soviets the supreme source of the power. The adopting of the first Soviet constitutions within the Union state and in Tajikistan aided to forming constitutional Government. Side by side with creating a new government a qualitatively

new system of right was formed. All the changes in Tajikistan were a component of state-lawful reorganizations within firstly the Russian, and then the Soviet state. In the autumn of the same year the 6<sup>th</sup> Extraordinary Congress of the Turkestanish ASSR sanctioned the Turkestanish ASSR's Constitution, it was worked out with regard to historic, geographical and other particularities of the republic (Sh.K. Hakimov, 2012).

## 4 DEBATABLE PROBLEMS

Our basic aim in this research is studying the history of modern central power bodies, their structure, tasks and functions on the basis of the historic Constitution that was running on the territory of modern Tajikistan. Researches had shown that after the October Revolution the first running condition in modern Tajikistan which was representing the structure and the warrants of the executive power was the Constitution (1918) of the Soviet Turkestan. The executive power was being called the Soviet of Commissars on the basis of the Turkestanish ASSR Constitution.

The basic, fourth partition of „Constitution of the Soviet Power“ is containing the chapter „Common Commencements“ devoted to the structure and the warrants of this body. According to Point 9 of that partition, „Turkestanish Soviets' Central Executive Committee is forming the Soviet of Commissars for a common administration of the Turkestanish Republic and Departments (Commissariats) for managing segregate governing branches“ (Collected Documents (1917-1957), 1957). Herewith members of the Turkestanish Central Executive Committee could not be Commissars.

This Constitution confirmed that the Soviet of Commissars was gaining an important place in the system The Turkestanish Republic executive power central body, in the competence of which the right of publishing decrees, orders, directions, instructions and also for taking all necessary measures on correct currenting of the state's life were contained.

On the bases of chapter nine, part 12, 15 Commissariats were being formed on the territory of Turkestan. These Commissariats had their own responsibilities, analogous to the responsibilities of the up-to-date states' ministries (D.V.Kuznetsov, 2015).

The managing of these commissariats was being realized separately and supplied by the brass, those were members of the Commissariat's Soviet. In every Commissariat (nowadays – Ministry) a commissar

was at the head, and all the commissars mechanism was being claimed by the Commissariat's Soviet.

It can be concluded according to that part of the Constitution that at day of the Soviet Power's formation ministries had already been central bodies of the state power, therefore, as it was mentioned above, the members „of the Commissars' Soviet“ had been at the head of remaining Commissariats“. Today ministry executives in Tajikistan are also acknowledged the members of the government that is the central executive power body.

Proceeding from the Constitution of the Turkestanish ASSR it may be stated that in force of the impact of the legislation and the Constitution of the RSFSR that period became the first stage in the history of legislation's development in modern Tajikistan. In this Constitution the activity of executive and the legislative power was depicted more distinctly than earlier, and the subsequent government was reflected by the name of the Commissars' Soviet.

As the Constitution of the Turkestanish ASSR is proceeding from the RSFSR's Constitution adopted in July, 1918, at the V All-Russian Congress of Soviets, it is necessary for us to esteem the central body of the power according to the Constitution of the RSFSR of 1918.

If we compare the structure of the domestic central body of the Turkestanish ASSR and the Russian Soviet Federative Socialist Republic in appliance with the Constitution of 1918, it becomes clear that they are relative and on confirming their commencement from the Constitution of the RSFSR are having just inconsiderable differences in the structures' nomination.

Although the basic source of the Constitution of the Turkestanish ASSR and many ruling common norms were taken from the Constitution of the RSFSR of 1918, peculiar changes, directly connected to the social relationships, were injected into it.

On September, 24, 1920, the IX Congress of the Turkestanish ASSR's Soviets adopted a new Constitution in which some positions of the Turkestan ASSR's Constitution of 1918 were cancelled. In concordance with the Constitution of 1920 the central governmental mechanism was already formed with 13 Folk's Commissars.

The new Constitution made provisions for a specific group of articles devoted to the organization of the central power in Turkestanish ASSR and more detailed regulations of the lawful position of the state and republic power supreme authorities.

As it was mentioned above, the territory of modern Tajikistan in that historic period was divided

into two parts. After coming apart of the Bukhara Emirate on the 2nd of September of 1920, as a result of the insurrection of labouring masses, with the help of parts of Red Army feudal-theocratic power was convoluted and the Soviet Power was established (F.T.Tahirov, 2001). On September, 13, 1920, a treaty was concluded by which Russia was acknowledging Bukhara's independence (sovereignty) (S.S. Khromov, 1987). On the 14th of September in Old Bukhara, at Khurultai (Turkish name of Central-Asian parliaments) of Folk's Deputies the forming of the People's Soviet Socialist Republic of Bukhara and the shaping of the supreme authorities of state power – those were All-Bukhara Revolutionary Committee and the government – that is the Cabinet Council (S.V. Chirkin, 2006) - was proclaimed. The educated Council of Folk's Stewards was consisting of a bit except for Yong Bukharians. An average age of the member of the Government was approximately 29 years.

In this work an attempt to depicture the meaning of the executive power central body of the People's Soviet Republic of Bukhara on the territory of Central and South-Tajikistan, that had peculiarities and is representing a sizable scientific interest.

The project of that constitution was worked out by a special commission that took the Constitutions of the RSFSR and the Turkestanish ASSR as a pattern. Herewith the Project had fixated the structure of power in many things similar to that one which was existing in the RSFSR and the Turkestanish ASSR: and established the Soviet Formation and also proclaimed the People's Soviet Republic of Bukhara „a single indivisible and independent state“.

The Constitution of this state gave such democratic rights to the citizens that Bukharians had never had and known them.

Khurultai of Folk's Representatives, the Central Executive Committee, its presidium and the Council of Folk's Stewards was regarded to by the Constitution as the system of central power authorities. The Council was a central executive power body of which separate ministries – nizarats – were obeyed.

The transit from theocratic formation to a socialist one became with the adopting of the Constitution a new stage in state governing for the state basically using sharia's traditions and norms. In part 30 of chapter five it is pointed that “For the common administration of the Republic the All-Bukhara Central Executive Committee was forming the Council of Folk's Stewards which as a body is a supreme authority of the executive power. The Council of Folk's Stewards of the People's Soviet

Republic of Bukhara is being utterly obeyed in its activity to the All-Bukhara Central Executive Committee” (S.Horak, 2019).

The Chairman of the Council of Folk’s Stewards and Folk’s Stewards by themselves were members of the government that was Council of Folk’s Stewards.

In concordance with the Constitution six Nizarats in the People’s Soviet Republic of Bukhara were established. In concordance with article 39 those were Folk’s Nizarats of: Justice, Domestic Affairs, Foreign Affairs, Military Affairs, Enlightenment and of the Higher Soviet of Economics. In Note to this article it was pointed that “Besides the above-listed central institutions on the rights of a self-standing Nizarat attached to ALL-Bukhara CEC Central Administration of the State’s Statistics is being organized” (D.V.Kuznetsov, 2015). “Folk’s Steward personally conducts his Nizarat being utterly responsible for his activity before the Council of Folk’s Stewards”

With the help of the RSFSR and later on – the USSR, the People’s Soviet Republic of Bukhara prepared necessary conditions for the transit to the socialist development. On October, 19, 1924, the 5th All-Bukhara Khurultai of Soviets took a decision to transform the People’s Soviet Republic of Bukhara into the Socialist Soviet Republic of Bukhara which was eliminated in the Process of the national-state delimitation of the Soviet Republics of Central Asia. The Republic of Bukhara was abolished. The Soviet Power tried to cut the ground from the feet of the regional separatist movement (Yu.Yu Nenakhov, 2004). By the opinion of Yu.V. Stashuk, in national-state delimitating and creating new state forms numerous mistakes that influenced its later development were made in the region (Yu.V.Stashchuk, 2011).

It should be pointed that on the 30th of December, 1922, the I Congress of Soviets adopted the Declaration and the Treaty of the USSR’s Formation and commissioned them with submitting these documents for the consideration of Republics.

In his book E.V. Tadevosyan notes that constitutional formation of the Union of Soviet Socialist Republics was realized at the II Congress of Soviets on January, 31, 1924 (E.V.Tadevosyan, 1978). After the formation of the USSR the Turkestanish ASSR became part of the USSR via RSFSR. By the words of Hakimov Sh.K., the People’s Soviet Republic of Bukhara was not regarded the part of the USSR as it was not a socialist one still (Sh.K. Hakimov, 2012). Yet, one may meet the works denying the point of view of Hakimov Sh.K. where a fact is noticed that from the first days

of the USSR’s existence it was the member of this Union (V.I.Chirkin, 1964).

Thus, since October, 1924, the second stage of the process of executive power central authorities” formation and development in Tajikistan started.

Yet, the forming of constitutional power bodies in the governing was not possible above from below at once as bands of basmatches were committing outrages on the territory of the republic. Therefore for the sake of temporary republic’s governing provisional Soviet government of Tajikistan (Revolutionary Committee which prepared all the conditions for forming legislative constitutional governing and power bodies) was formed by the enactment of the Uzbek SSR. On December, 1, 1926, Revolutionary Committee convoked the I All-Tajik Constituent Congress of Soviets and laid down its authorities (N.F. Tohirov, 2008), and since the 24th of November of 1924 as Provisional Government of Tajikistan this Revolutionary Committee in the appeal to all the work people of Tajikistan was informing of creating the Tajik Autonomic Republic (N.D. Degtyarenko, 1960).

It is note-worthy that as a result of national-territorial delimitation in the USSR a new Constitution of the Union of Soviet Socialist Republics was created. On the basis of this historic document Autonomic Soviet Socialist Republics (ASSRs) were established.

The Constitution of the USSR had universal character and was being spread to the territories of all the union republics. In the Constitution relationships of higher authorities of state governing of the USSR were built upon the acknowledgement of Soviet “federalism, democratic centralism, socialist internationalism and Socialist law” (R.A. Yeguiyan, 1984). These principles that were listed by Yeguiyan R.A. demonstrated a close connection of executive power central authorities of the USSR with the Governments of the Union Republics, and – what was the main thing here – were mutually complementary in supplying co-ordination of all those bodies’ activity as the one of single Soviet mechanism’s sections.

The Soviet of Folk’s Commissars as the central authority of state governing of the USSR was being regarded the Government of the USSR, and the chairman of the Soviet of Folk’s Commissars – the head of the Soviet government.

The Soviet of Folk’s Commissars is responsible before the Central Executive Committee of the USSR and its Presidium. Within the rights given to it by the Central Executive Committee is publishing decrees and enactments necessary for fulfilment on all the



territory of the USSR on the base of the Statute of Soviet of Folk's Commissars of the USSR.

The Soviet of Folk's Commissars of the USSR is being formed from leaders of central authorities of the state governing in each direction of social life. This concerned the folk's commissars of the USSR.

The organization and the activity of the central authority of Union republics' executive power were being established on the base of the central authority of USSR executive power, and their activity was being regulated by the Constitution of the USSR and Constitutions of the Union republics by themselves. In case of a contradiction between the norms of the USSR's Constitution and the ones of constitutions of Union republic, naturally, Union norms were in force.

In respect of Tajikistan's being regarded an autonomic republic till adopting the Constitution, social and state mechanism of the republic were regulated on the base of USSR's Constitution of 1924 and the Constitution of the Uzbek SSR of 1927. The lawful status of the Tajik ASSR as a part of the Uzbek SSR and the bases of relations between those two republics were fixed in partition IV of chapter VII of the Uzbek SSR's Constitution of 1927 "About Tajik Autonomic Soviet Socialist Republic", where a specific attention was paid to the formation and activity of state bodies. The Tajik ASSR had its system governing and state power bodies, Thus, "State pouter bodies in the Tajik Autonomic Soviet Socialist Republic are being formed on the base of the Constitution of the Uzbek Soviet Socialist Republic from local Soviets, their congresses and auxiliary committees and from the Central Executive Committee of Soviets of the Tajik Autonomic Soviet Socialist Republic, as well" (D.V. Kuznetsov, 2015).

Thus, in the Tajik Autonomic Soviet Socialist Republic the Central Executive Committee of Soviets was forming its central body of executive power, that was the Soviet of Folk's Commissars, the Chairman of the Soviet of Folk's Commissars and his deputies were parts of which. For managing every branch of the society folk's Commissariats were formed. The leadership of these commissariats was realized by the members of the soviet of Folk's Commissars. Those were the commissariats of: Domestic Affairs, Justice, Enlightenment, Health Protection, Agriculture and Social Supplement, as well as the one of Water Economics Management. Besides that, the Government of Folk's Commissars of united Folk's Commissariats of the Uzbek Soviet Socialist Republic had Financial, Labour, Trade Commissariats, the Worker-Peasant Inspection, Chairmen of the Higher Soviet of Economics and the

Manager of the Central Statistic Department under is direct acting control.

For the first time in the history of Tajikistan, on the Second All-Tajik Congress of Soviets, on April, 28, 1929, the Constitution of Tajik Autonomic Soviet Socialist Republic was adopted (Collected Documents (1923-1937), 1959). The Constitution of the Tajik ASSR pointed that for common governing of the republic the Central Executive Committee of Soviets was forming a Soviet of Folk's Commissars as an executive and administrative body and also folk's Commissariats for managing new branches.

On the base of this norm Folk's Commissariats were executive-administrative authorities of the state. In our opinion, every commissar is seen as separate performer towards the Central Executive Committee and the Government of the republic, and a fulfiller of administrative functions towards the objects of the governing.

As distinct from the Constitution of Uzbek SSR of 1927 and the Constitution of the USSR of 1924 the Constitution of the Tajik ASSR of 1929 was not subject to considerable changes. The formation and activity of the Tajik ASSR Government were set up according to the Constitution and the inner subject structure of the USSR. The number of folk's commissars as it has been mentioned above was 10 people.

Proceeding from the Constitution of 1929 the Tajik ASSR represented a socialist state of workers and peasants, the dictatorship of working class with the leading role of the Communist party attached to it.

As it was pointed by Imomov A.I., after the formation of the Tajik ASSR, its first Constitution had been adopted as a result of national-territorial delimitation of the Middle Asia, though later a new constitution of 1931, in which in 1935 an alteration was made, was adopted. Thus, within a very short period of time several periodic constitutional innovations were realized (A.I. Imomov 2002).

## 5 CONCLUSIONS

Thus, in concordance with the RSFSR's Constitution of 1918 the Soviet of Folk's Commissars is the authority realizing the functions of the central body of executive power. The All-Russian Central Executive Committee of Soviets, the Soviet of Folk's Commissars are established for realizing common governing of the Russian Socialist Federative Republic, and the activity of separate branches of managing is regulated by the Admin of the Folk's

Commissariat. These structures were headed by members of a Soviet of Folk's Commissars.

The People's Soviet Republic of Bukhara was a revolutionary-democratic republic of proletariat and peasantry, what was a transitive stage to Soviet socialist republics (S.S. Khromov, 1987.), from the point of view of state formation. The organization of the state power in the People's Soviet Republic of Bukhara was constructed by the pattern of the RSFSR.

According to the Constitution of the People's Soviet Republic of Bukhara, the Government was entrusted with common state managing. The Government in the form of the Council of Folk's Stewards. Was incarnating the executive power and „uniting and directing (Sh.K. Hakimov, 2012) “ the activity of separate stewards, and also heading all the economic and cultural life of the country.

It should be noted that the word “government” is never met in the Constitution of 1924 or the USSR Formation Treaty. The “Soviet Government” and its derivatives had been used in the past in the context of the Soviet Union and today is being as a rule used informally – basically for a designation of all the totality of state power and governing of the USSR.

The historical process of the creation of the Bukhara People's Soviet Republic and its entry into the RSFSR is inextricably linked with the national-state demarcation in Central Asia, which led to the creation of the national Soviet state of the Tajik people.

National-territorial delimitation of the republics of Central Asia influenced deeply the establishment of the governing form on the territory of historic Tajikistan. It is worth noting that the creating of the Tajik Autonomous Socialist Republic within the Uzbek SSR became the result of that act.

Till the Soviet period the territory of Tajikistan had been divided into some parts belonging to Turkestan and the Bukharian Emirate. In the period of Soviet governing with the help of the RSFSR Tajikistan managed to create its territory. In connection with the fact that the country at the pre-Soviet time was being under conditions of an Islamic state-right system socialist changes occurred in the conditions of the traditional society's transformation touching upon all the spheres of social and state life.

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