

# Founder of The Modern Uzbek School of Jurisprudence

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**Abstract:** Muhammadjon Muminov – one of the first Uzbek legal scholars, a knowledgeable scientist, and active public figure. He served as the director of the Soviet Construction and Law Research Institute. Under Muminov's leadership, the institute launched its periodical journal, Soviet Construction and Law. Thanks to his enthusiasm and efforts, numerous legal dictionaries and textbooks were published within a short period. Departments for training highly qualified jurists and postgraduate research programs were also established. At the end of 1932, Muminov published his book *On the Theory of State and Law* in Russian, which created significant public discussion. This work later became one of the reasons for his political repression.

**Keywords:** law, lawyer, prosecutor, Muhammadjon Muminov, Scientific Research Institute of Soviet Law, Diloro Yusupova, Inomjon Muminov, "On the Theory of State and Law".

**Introduction:** Muhammadjon Muminov was born in 1903 in the city of Namangan. He first studied at a traditional school and later attended the Namangan gymnasium until 1917. His father, Abdumumin Inagomov, was an educated man who served as a local judge. From 1917 to 1920, Muhammadjon pursued independent studies, and in 1920, he became a member of the "Komsomol" (Communist Union of Youth) organization in Namangan.

In the 1920s, the national liberation movement against the establishment of Soviet rule intensified in Namangan.

In order to suppress popular resistance more quickly, the "Chekists" (Soviet secret police) assassinated YahyoKhon Tura, one of the most influential Islamic scholars in Namangan. However, to prevent an uprising, they shifted the blame for their crime onto the local "Komsomol" (Communist Union of Youth) organization. Under such circumstances, it was impossible for Muhammadjon to remain in Namangan. In September 1921, he enrolled in the workers' faculty in the city of Kokand. However, in September 1922, the Kokand workers' faculty was shut down. Along with other students, Muhammadjon was transferred to Tashkent, where he was admitted to the final course of the workers' faculty at the Central Asian State

University. He graduated and received his diploma in 1923.

At that time, with the initiative of the youth organization "Kumak" (Support) established in Tashkent, hundreds of young people from Turkistan set out for higher educational institutions in Germany, Moscow, Leningrad, and Baku. Under such circumstances, the young and talented Muhammadjon also decided to further strengthen his knowledge and traveled to Moscow. He set his sights on enrolling in the Faculty of Law at Moscow State University, the most prestigious educational institution in the Soviet Union.

In the 1923–24 academic years, Muhammadjon Muminov's dream came true. In Moscow, he studied alongside many young intellectuals, including Akmal Ikromov, Botu, Abdulla Rahimboyev, Rustam Islamov, Hamdam Tojiev, Davlat Rizaev, and Karim Boltaev. At that time, Usmonkhon Eshonkhodjaev provided moral and intellectual guidance to the Uzbek students in Moscow.

Uzbek students in Moscow formed a separate group, organizing scientific circles and wall newspapers. They delivered lectures on pressing issues concerning the country's future and promoted Uzbek culture and values in the capital of the Soviet Union. At the same time, Muhammadjon actively contributed articles on

various topics to the newspapers Fergana, Turkiston, and Zarafshon. In this environment, Uzbek students studying in Moscow entered the political arena, opposing the “Red Empire” policies implemented by the central Soviet authorities in their homeland. They advocated for combating “Great Russian chauvinism” in Uzbekistan and for the localization of leadership positions. The students also protested against the suppression of democratic freedoms by Soviet leader Stalin and the growing dictatorship and repression.

On November 7, 1927, a peaceful demonstration was organized on the streets of Moscow. The street stretching from Zubovsky Square to Devichev Place, nearly 1.5 kilometers long, was filled with people. On that day, students of Moscow State University expressed their dissatisfaction with the Communist Party’s authoritarian course under the slogan “Long lives the left wing of the Leninist Party!” M. Muminov actively participated in this protest. However, the Soviet authorities, intolerant of any opposition, crushed the demonstration using students from the Stalin Communist University of the Toilers of the East. The protest was brutally suppressed through severe beatings, after which all dissenting students were accused of being part of the Trotsky-Zinoviev counter-revolutionary group (a faction led by Leon Trotsky and Grigory Zinoviev opposing Stalin’s policies). As a participant, Muhammadjon was reprimanded.

In the winter of 1927–28, he stayed in Namangan and was able to continue his studies only through the intervention of the leadership of the Uzbek SSR. After the situation eased, he returned to Moscow to resume his education. However, having been deprived of his student stipend, M. Muminov faced serious financial difficulties. He reached out to Fayzulla Khojaev, the Chairman of the Council of People’s Commissars (CPC) of Uzbekistan, for assistance. When F. Khojaev visited Moscow, he personally met with Muminov and provided him with 100 rubles. At the end of 1928, M. Muminov successfully defended his thesis on “Prosecutorial Oversight in the State Governance System” and graduated with honors. He then arrived in Samarkand and was appointed as a member of the Collegium of the Supreme Court of Uzbekistan. The journal “Yer Yuzi” (an Uzbek journal published in the early Soviet period) reported: “...He graduated from the Faculty of Law of Moscow University in 1927 and remained in Moscow for a year to complete his diploma. Upon returning to Uzbekistan, he worked for some time at the Tashkent District Court. Currently, Comrade Muminov is serving as a member of the Collegium of the Supreme Court of Uzbekistan”.

From 1931, Muhammadjon Muminov worked as the head of the Legal Aid and Judicial Defense Department

under the People’s Commissariat of Justice of the Uzbek Soviet Socialist Republic (UzSSR). From 1932 to 1935, he served as the director of the Soviet Construction and Law Research Institute. Under Muminov’s leadership, the institute launched its periodical journal, Soviet Construction and Law. Thanks to his enthusiasm and efforts, numerous legal dictionaries and textbooks were published within a short period. Departments for training highly qualified jurists and postgraduate research programs were also established. At the end of 1932, Muminov published his book *On the Theory of State and Law* in Russian, which created significant public discussion. This work later became one of the reasons for his political repression.

This book highlights the following key points: first, the author argues that the Soviet constitution had two different interpretations—one in writing and another in practice.

Second, he promoted the idea of weakening the state and transforming it into a proletarian, socialist-based government where class distinctions were abolished and the majority of workers held power. He supported the elimination of all forms of coercion, including the weakening and dissolution of the army and navy as instruments of external force, the dismantling of punitive and repressive institutions, and the abolition of forced labor and similar practices.

Thirdly, the author proposes strengthening the activities of Councils that protect workers’ groups at the local level, beyond trade unions that include only certain categories of individuals in state governance.

The author states that there are no proper conditions for the effective functioning of local Councils and that they fail to protect the rights of workers and laborers in agriculture, particularly in the cotton industry. He also highlights that in the preparation of the state financial and production plan (promfinplan), no actions have been taken in the interests of workers and laborers.

Fourth, he put forward the idea of adopting a new version of the Criminal Code, proposing to eliminate the class-based differentiation of people, as seen in the capitalist system, and to apply equal punishment to all.

The Uzbekistan Scientific Research Institute of Soviet Construction and Law, established on the initiative of M. Muminov, later became the foundation for the creation of a law institute.

However, as Mukhammadjon Muminov’s fame grew, so did the number of his enemies, and the attacks against him intensified. In 1935, he was accused of Trotskyism “Troskiy” (a Marxist ideology advocating permanent revolution and opposing Stalin’s policies), expelled from the party, and stripped of his right to

teach on the grounds that he allegedly promoted Trotskyist ideas during lectures. Left with no other option, Muminov sought to prove his innocence. However, he was unable to regain his position and, with the help of Fayzulla Khojaev, was appointed as a prosecutor in the Fergana region in 1935. Even in Fergana, distrust and pressure against him continued to grow. As a result, in early 1937, he was forced to return to Tashkent.

On March 28, 1937, a resolution issued by the head of the PCIA (People's Commissariat for Internal Affairs) of the Uzbek SSR, Zagvozdin, accused Mukhammadjon Muminov of being a member of the counter-revolutionary "Milliy Ittihad" (National Union) organization between 1919 and 1922, a participant in the Zinovievite counter-revolutionary group since 1927, and a demonstrator alongside Trotskyists and Zinovievites. Furthermore, he was accused of collaborating with Nasimkhon Kosimkhonov and Soatali Maksudov in 1935–36 in an alleged plot to assassinate Akmal Ikramov, the First Secretary of the Communist Party of Uzbekistan. Based on these charges, he was prosecuted under Article 66, Part 1 of the Criminal Code of the Uzbek SSR.

On March 29, 1937, a search was conducted at Mukhammadjon Muminov's residence, located at 11 Uezdnoy Street, Tashkent, based on an issued warrant. All possessions in the house were confiscated and listed. His wife, Diloru Yusupova, who was working as an assistant prosecutor of the Uzbek SSR at the time, remained at home in distress with their two children, Marat and Suraiya. On April 10, 1937, investigator Agabekov repeated the previously stated charges without any additional evidence or supporting materials and further applied Article 67 of the Criminal Code of the Uzbek SSR against Muminov.

The case file contains a single interrogation record signed by Mukhammadjon Muminov, dated April 17, 1937. In this typewritten document, Muminov allegedly provides a brief overview of his professional activities before stating that in 1920, at the house of Gafur Kosimov, he joined the "Milliy Ittihad" (National Union) organization to assist the "Basmachi" movement (an anti-Soviet resistance movement in Central Asia opposing Bolshevik rule). He further recounts that in 1926, Usmonkhon EshonKhojayev recruited him into a Trotskyist group in Moscow (a political faction supporting the ideas of Leon Trotsky, who opposed Stalin's policies). The document also includes a long list of members of nationalist organizations and the frequently repeated phrase found in nearly all interrogation records from the period of the "Great Purge" (the large-scale political repression in the Soviet Union during the late 1930s):

"A war will soon begin, and we will seize the opportunity to rise toward independence".

On April 3, 1937, during a confrontation with Hidayat Fayzi Azizov, Mukhammadjon Muminov firmly denied the accusations against him, responding to the investigator's deceptive questions with well-reasoned arguments, refuting the slander directed at him.

On September 30, 1938, during a confrontation, Usmonkhon Eshonkhojayev firmly stated that Mukhammadjon Muminov had never been a member of any counter-revolutionary organization. However, these confrontations had no impact on the case's outcome. Exhausted by torture and suffering, and having lost all hope, Muminov confessed to his "guilt" in statements dated October 2 and December 18, 1937. In these statements, he declared that he had no objections to the investigation and had nothing more to add, requesting that the interrogation be concluded.

Mukhammadjon Muminov's indictment was signed on December 20, 1937, by Leonov of the PCIA (People's Commissariat for Internal Affairs) of the Uzbek SSR. It repeated the initial accusations, none of which had been proven during the investigation. However, this time, Articles 64, 67, and 58 of the Criminal Code of the Uzbek SSR were applied. Nearly a year later, on October 3, 1938, these documents were approved by an unnamed deputy of the Prosecutor General of the USSR. On October 4, 1938, Muminov's case was reviewed by the infamous "Troika" (a three-member extrajudicial sentencing body during Stalin's purges) under the PCIA (People's Commissariat for Internal Affairs) of the Uzbek SSR from 17:45 to 17:55. The court sentenced him to execution, which was carried out the same day in Tashkent.

Mukhammadjon's younger brother, Inomjon Muminov, was also executed on October 9, 1938, after enduring prolonged and brutal interrogations.

Their father, Mumin Inogomkhodjaev, who lost both sons at the same time due to baseless accusations, cried so much that he eventually lost his eyesight. In his petitions to Soviet authorities in 1939, he repeatedly insisted on his sons' innocence and desperately pleaded for their return. However, he received no response. Not long after, unable to bear the grief of losing his children, the devastated father passed away.

On May 27, 1955, Mukhammadjon Muminov's 75-year-old mother, Tojikhon Inogomkhodjaeva, wrote a petition to N. Malenkov, Chairman of the Supreme Soviet of the USSR, from her home at 26, 25 October Street, Namangan. In the letter, she recounted her own and her children's tragic fate. Still holding on to the hope of seeing her sons alive, she pleaded with the government leaders to return them to her.

On November 24, 1955, Mukhammadjon Muminov's wife, Diloru Yusupova, residing at 13 Uezdnyaya Street, Tashkent, submitted a petition to the Prosecutor of the USSR. In her letter, she stated that her husband had been unjustly executed in 1937 despite being innocent and requested the restoration of his good name for the sake of their children's future. Based on these petitions, in the spring of 1956, Muminov's case was ordered for reconsideration.

On April 5, 1956, during a reinvestigation, Diloru Yusupova stated that she had studied at a school in Moscow from 1922 to 1926 and met Mukhammadjon at the dormitory of the Uzbek Teachers' Institute. She described him as a highly educated and one of the most progressive young men among Uzbek students. In 1929, he graduated with honors from the Faculty of Law at Moscow State University (MSU) and, upon returning to Samarkand, became a member of the collegium of the Supreme Court of Uzbekistan. That same year, she married Mukhammadjon, and they lived in Samarkand until 1931 before moving to Tashkent. She recounted his significant contributions as the director of the Soviet Construction and Law Research Institute, particularly his role in establishing a higher education institution for training legal professionals in Uzbekistan. At the same time, she recalled the hardships he endured and the false accusations brought against him multiple times by envious individuals. She specifically highlighted the unlawful actions of investigator Agabekov in March 1937, who obtained the information he needed through the most disgraceful methods, including intimidation. She also revealed that, despite her innocence, she was imprisoned from 1937 until April 1939.

On May 31, 1956, Soli Rajapov (born in 1912), a professor at the Faculty of Law of the Central Asian State University (CASU), was summoned for questioning. He stated that in 1931, he was admitted to the institute's postgraduate program, during which Mukhammadjon Muminov served as the director and personally taught most of the core subjects. "He was an exceptionally knowledgeable legal scholar. He was acquainted with professors from Moscow State University (MSU) and nearly all prominent Soviet legal scholars. He was constantly engaged in scientific research and translated many essential textbooks. He also supervised the creation of several legal dictionaries. His numerous articles, dedicated to the most pressing issues in the field of law, were regularly published in academic journals", he said. Rajapov emphasized Muminov's productive academic and professional contributions, stating that he could not believe Muminov had committed any wrongdoing

against the state or society.

On June 2, 1956, Khadicha Sulaymonova (1916), the dean of the Faculty of Law at CASU (Sredneaziatiski Gosudarstvennyi Universitet – Central Asian State University), was summoned for questioning.

"... During the period of 1932-35, when I studied at the Scientific Research Institute of Soviet Construction and Law, he was the director. All the aspirants and students loved attending his lectures. At that time, he was the only highly educated Uzbek lawyer, very knowledgeable. A person with such talent didn't have an easy life. His enthusiasm and knowledge always caused envy among others, and in a short period, he was expelled from the party six times. No matter how difficult the circumstances were for M. Mominov, he managed to produce a great army of lawyers, leaving behind whole school of Uzbek jurisprudence".

On January 23, 1957, the Military Collegium of the Supreme Court of the USSR issued a verdict acquitting M. Mominov. On February 22, Diloru Yusupova, his wife, left a written statement with the State Security Committee, stating that she had no property claims regarding her husband. Yes, Diloru Yusupova (1911–1981), who lost her husband at the age of 25, remained loyal to him throughout her life, raising their two children alone.

His son, Marat Muhammadovich Muminov (1930–1998), a Doctor of Mathematical Sciences, worked in the education system for many years. His daughter, Suraiyo Muminova Muhammadovna (1933–1954), had a short life. She passed away in a car accident just before finishing her studies at Moscow Medical Institute. Now, a brief introduction about Diloru Yusupova for our readers, Diloru Yusupova was born in 1911 in the ancient city of Bukhara into the family of Sobirjon Yusupov, a member of the "Young Bukharans" organization and a progressive intellectual. Her father, Sobirjon Yusupov, a participant in the anti-colonial movement against the Russian Empire in Bukhara, was exiled from the state in 1911. Following this, he was forced to hide from the tsarist authorities and lived in various places. In 1917, he represented Bukhara at the Turkestan autonomy congress and was elected to the Presidium. After the brutal suppression of the autonomy, Sobirjon Yusupov's life tragically ended.

Dinara, who lived under the care of her mother in Bukhara, was also expelled from the Emirate in the spring of 1917 as a member of the "Young Bukharians" organization, along with her mother and many others. They were forced to move to Tashkent. However, life in Tashkent was not free from horrors either. Dinara, who lived under the care of her mother until 1922, was sent to Moscow for studies by the Bukhara People's



Republic in the same year. She stayed at the dormitory of the Uzbek Educational Institute and received her schooling. After graduating in 1926, the active and energetic young girl returned to Tashkent. She joined the district committee of the Tashkent Komsomol and also entered the Law Department of SAGU (Central Asian State University) to pursue higher education. In 1929, she graduated with a diploma under the name Dilorom Yusupova. At the age of 18, she was sent to Samarkand for work on the university's assignment. That same year, she married M. Muminov and worked for a year in the Water Economy Directorate. The young couple moved to Tashkent in 1931, where D. Yusupova entered the graduate program of the Soviet Construction and Legal Research Institute. After successfully passing her final exams in December 1934, she was assigned to work for the Prosecutor's Office of the Uzbek SSR. Starting in 1935, she worked as an assistant prosecutor in the Uzbek SSR. However, after facing various hardships, she was no longer allowed to continue her studies. Dinara Sabirjonovna Yusupova (1911–1981) spent the rest of her life working in the Transport Prosecutor's Office of the Uzbek SSR.

## **CONCLUSION**

In conclusion, one of the first Uzbek legal scholars, a knowledgeable scientist, and active public figure, Muhammadjon Muminov and his family also became victims of the repressive policies of the Soviet regime. We believe that legal scholars in our country will collaborate with us in revisiting M. Muminov's scientific and creative legacy, highlighting his unparalleled contributions to the development of legal science in our country, and restoring his honorable name to the people.

## **REFERENCES**

State Security Service (DXX) Archive, Collection 7460, Pages 5–8.

State Security Service (DXX) Archive, Collection 7460, Page 10.

State Security Service (DXX) Archive, Collection 7460, Page 1.

Tarixiy Xotira bekiyos [Matn] / R.T. Shamsutdinov [va boshk.]; nashr uchun mas'ul B.V. Hasanov. – Toshkent: Encyclopedia world, 2024. – 372 b.

Тарихий хотира беқиёс [Матн] / Р.Т. Шамсутдинов [ва бoshқ.]; нашр учун масъул Б.В. Ҳасанов. – Тошкент: Encyclopedia world, 2024. – 316 б.

O'zbek huquqshunosligining ilk qaldirg'ochlari Muhammadjon Mo'minov va Diloru Yusupovalarning sharaflari va fojiali hayot yo'li // <https://oyina.uz/uz/article/812>

Muhammadjon Mo'minov – o'zbek zamonaviy huquqshunosligi asoschisi. – Toshkent: Encyclopedia world, 2024. – 120 b.

Qonun himoyasiga hayot baxshida... – Toshkent: Tamaddun, 2022. – 396 b.