

Social, Political, Economic Changes In Turkestan, Management System, Participation Of Local Population Representatives In Community Life

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Abstract. Today, a lot of research is carried out in many of the world's leading institutions of higher education and scientific research institutes in the field of comparative analysis of legal-based social relations within the framework of such issues as religious traditions, national and religious values, the ownership system, the development of proposals and recommendations based on the scientific results obtained. The fact that the formation of a high legal culture in the period is now recognized as one of the priority areas in the politics of existing states creates the need for field research. Therefore, a more in-depth study of scientific and theoretical knowledge of judicial activity, research of its history is becoming more important.

Keywords: Qazi (magistrate or judge of a Sharia court), people's judge, Turkestan Region, Local Government, Sharia, secular law, colonial rule, governor-general.

Introduction. Globalization occurring in the world is also causing an increase in interest in the study of the history of regions with a rich cultural heritage. In particular, this process applies to the history of Uzbekistan, including Central Asia, and scientists operating in scientific centers, higher education institutions located in countries such as Russia, Germany, and the United States pay special attention to the issue of studying manuscript source and archival documents. In particular, among them, the issues of social, political, economic changes that took place at the end of the 19th – beginning of the 20th centuries, the system of government, the participation of representatives of local residents in the life of society, legal relations, the activities of the Qazi court, legal and regulatory and notarial acts can be included.

At the same time, the promotion of legal culture in ensuring the rule of law, the education of citizens in the spirit of respect for the law are also recognized as an urgent task. It directly assumes the responsibility of scientists to consider issues related to the legal traditions that have been formed since ancient times from the point of view of the

history of statehood, to create new scientific research. In particular, the features of social relations of procedural and notarial documents in Turkestan, part of the Russian Empire, the study of specific aspects of the decision-making of legal values in the structure of the legal system in Turkestan, the introduction of information in primary archival documents into scientific circulation.

Research methods. Methods such as the principle of historicism, comparative analysis, systematization, and classification, problem-chronological and interdisciplinary approach were used in the research process.

Results and discussion. Alexander II approved the draft “Charter on the border province of Central Asia”, developed under the leadership of the governor of the Turkestan region M.G.Chernyaev [1], on August 6, 1865 in the form of the “provisional charter on the management of the Turkestan province”. According to him, the judicial system of the Turkestan region is defined as consisting of two instances.

The first was a court martial, which involved all criminal cases involving murder, theft and robbery in which civilians were involved, in addition to cases involving military personnel.

The second was the court of the qazi for the sedentary population and the court of the Biys for the nomadic population, which were subordinate to the representative of the colonial administration, which handled the indigenous population. The officials of the Empire in the early days were in a position to maintain the court of the qazi and the biys to prevent popular protests [2]. However, the judgments [3] made by qazi and the biys were taken under serious control by Tsarist Russia, and this issue was included as a separate article in the "Regulation" on the management of the territory [4].

In the "provisional charter for the administration of the Turkestan province" of 1865, the military governor of the province was tasked with bringing traditional Muslim Judicial Institutions under control. A military-judicial commission was also created under the military governor, who united the administrative and judicial system in his hands. In accordance with the "Charter" of 1865, court of qazi for the sedentary population and the court of biys for the nomadic population retained the traditional judicial system for the local population. They were empowered to handle civil and criminal cases under Sharia rules as before. Nevertheless, the appointment and removal of the veterans was at the disposal of the military-governor.

The traditional hierarchy in the existing judicial system was abolished [6], the post of kazikalon was abolished, and the right of all veterans was equated. Changes were made, such as electing the judges for three years, giving the plaintiff the right to appeal to the judge, whom he had expressed confidence in.

Chapter 3, section 208-254 of the "Charter" of 1886 included a separate section, "on the interrogation and condemnation of qazi and biys" [7]. In the Turkestan province, the interrogation of citizens, the sentencing was carried out by the qazi and biy of their territory [8].

Information related to the people's judge of Ultarma and the accompanying appendices contained in the letter of the prosecutor of the Fergana region of February 22, 1894 to the regional directorate No. 292 indicate that the colonial government increased control over the Qazi in the territory [9].

Articles 141-142 of the Charter of 1886 state that all cases except crimes against the Russian administration (e.g. breaking the railway, disconnecting telegraph wires, etc.) were studied and considered by qazi and biys [10].

During the elections of the people's veterans held in the Turkestan governor-general, some of the previous procedures were also likely to change. Ellikboshi and people's judges were elected by officials of local offices by closed ballot. The members of the court of justice-the general counsel and its 2 associate justices - were not elected [11].

This indicates that the colonial government's special election rules in voting for candidates served as the chief criterion in appointing veterans.

The process of preparing and holding the election was organized by local officials, including veterans, pristavs, uezd and volost Chiefs. Local officials were initially listed as one-fifths participating in the vote, including when conducting elections for the Office of the Qazi. The fifties voted for every candidate they favored. The lists are written and formed in old Uzbek and Russian. For example:

1. Muhammad Aminboy ellikboshi Olimboy ugli.
2. Yo'ldosh Muhammad ellikboshi Toshmuhammad ugli.
3. Musaboy Muhammad Karimboy ugli.
4. Otaboy ellikboshi Muhammad Qobilboy ugli.
5. Sayid Ahmad ellikboshi Shergoziboy ugli and a total of 29 fiftieth chiefs who were part

of the uezd administration, the Office of fiftieth confirmed the results of the election through their seals [12].

A total of 23 candidates were voted on in the electoral record (Ballotyrovichny list), dated 29 July 1890. Of this, the most cap voice:

1. Atakhanov Mirayub.
2. Staff-captain Raevsky.
3. Statsky sovetnik Andreev.
4. Otsavnoy chinovnik Tikhoni.
5. Staff-awarded to captain Pavlievs [13].

On the ballot, blank cards measuring 9.5 by 12 centimeters were written with the name of the candidate's name in a pen or pen, the voter who had the right to vote, in favor of 4 candidates out of 23 candidates for City Council membership. Cases in ink are also found on individual cards. If we focus on cards voted on by a local official, we will witness that the script is written from right to left, the name and surname of four of the total candidates in the Arabic alphabet Turkic language. On the top of the cards of local and Russian officials, the signature of two people in Russian is placed with a pencil. In our opinion, those who participated in this election were necessary for the procedure for registering voters.

The cards consist of plain white paper with no ordinal number, seal, stamp or separate mark [15].

The electoral roll (spisok izbirateley) of the new Marghilon City Council, which was to be contested on 12 July 1890, included a total of 405 Russian and local persons in Russian alphabetical order. This list is confirmed by the signature of the head of the uezd, Lieutenant Colonel Ivanov. But the seal is not stamped [16].

The signature seal (5 pieces) placed at the end of the text of the documents were 4, 5-5 centimeters in diameter, with a full circle, and in a circle in manuscript the names of Qazi and Muftis with the same inscription of the secretary who

compiled the act [17]. In a small number of documents, red suction seals were also used [18].

The Central Archives of Uzbekistan, I-19-foundation, list 1, 18802-the source held in the case had a total of 50 seals, of which 43 were owned by Turkic local officials and the other 7 were owned by Kokand uezdi volosts. Focusing on Turkic seals, the smallest size of those in a circular shape is 1.5 by 1.5 by 5 centimeters, and the largest is 1.8 by 1.8 by 8 centimeters. The smaller of the semicircular seals is 1x1.5 centimeters, the larger is 1.5x2.2 centimeters. Rectangular seals contain 1.2 by 1.5 centimeters, 1.5 by 2 centimeters [19]. Seals belonging to the Kokand uezdi volosts were 3.2 centimeters in diameter [20]. Naturally, it was possible to distinguish Mufti and Qazi seals at one glance.

When the voting process was completed on Election Day, the results of the counting of votes were carried out according to the ballot papers in the Elite Box acting as a stationary tiny ballot box used in modern elections [22]. Votes cast in favor of each candidate on the ballot paper were counted separately.

On the ballot paper (ballotirovochny list) [23]:

- total number of voters;
- white ball (ball)for the candidate the voter is voting in favor of, the number of black balls representing the opposite position;
- name, surname, patronymic of the candidate(s), number of votes;
- signed in Turkish, Persian and Russian by local officials and stamped or stamped;
- the signature of the head of volost or uezd is reflected.

Some government administrators tried to remove officials they disliked in various ways. The government was also introducing new procedures in an attempt to keep the local population permanently in line with the interests of the Empire. In particular, each baby born was included

in a special notebook, and all marriages were recorded [24]. At the same time, their list is formed to determine the number of inhabitants. According to data from 1867, the population of Turkestan country-including settlers-was 527,860, while the grass population was 435,855 for a total of 963,115 [25].

“... in 1883, Boymirza’s ellikboshi Oxund’s son did not even know, because his requests were made by Mirzo Qadir Bobojan’s son, I also made my hand,” [26] the historical data indicates that the ballot paper was previously considered by a literate person. It was then signed in Turkic, Persian and Russian by every local official who participated in the election, and stamped or stamped. Finally signed by the volost or the head of the uezd [27]. Sometimes in the manuscript minutes (protocols) of the Russian administration, a comment is made on a similar document in Turkish script at the bottom of the text [28].

On September 27, 1903, an act of the beshariq plot by pristavi captain Kitaev formalized that in the election to the people's judge in Chirikzhy 1) Mulla Namatberdi Khoji Quwatboev received 26 votes, 2) Mulla Sharofiddin Sulaymanov received [29].

According to the analysis of archival documents [30], the appointment of local officials to positions by election in the late 19th and early 20th centuries in the Turkestan region in a certain sense also led to the following positive results [31]. Including:

- the process of voting in favor of candidates was carried out in public by previously registered voters;

The following can be cited as a positive result:

- candidates were used a closed ballot, in some cases only one candidate was nominated to the people's jury [32].

- there was a right to file complaints with the authorities of the territory if there was a non-objectivity in the electoral process;

- the practice of using ballot papers with official legal force, in which the list of candidates and the results of elections are reflected, has arisen;

- in the process of elections, the opinions of local residents are studied.

- new election procedures were published in the local Periodical Press [33]. Nevertheless, in many cases the population was not aware of the students of the newly introduced Charter [34].

It should also be noted that the date of the election and the place of its holding, the procedures of which were established by the colonial administration. In general, the colonial system exercised strict control over the local judicial system, considering the stability of its power. Therefore, it was required to inform the mayor about the process at any level.

As mentioned above, during the reign of the Kokand Khanate, representatives of the religious layer, as rahnamasi kazikalon, centralized all judicial affairs under their own hands. The candidates for the post of kazikalon were appointed by the Emir and Khan [35].

Since the years of occupation, the Russian government has tried to control events with the help of its representatives, turning to the opinion of the local public. The first of such appeals was that of the Governor General of Orenburg, M.G.Krijanovsky, on October 29, 1865, the governor of the Turkestan region. It was an announcement that Chernyaev was entrusted with the development of a project to manage it [36]. Some archival documents arouse the establishment, as the Russian administration considers with the opinions of local residents [37]. At this point, it is also appropriate to highlight some of the following points that caused such a situation. The Russian Empire was in the air from the fact that in relation to colonial policy, the local population carried out incendiary oscillatory actions.

Conclusion

In conclusion, we can say that a number of problematic issues were observed during the

election of people's veterans held in the general governorship of Turkestan. Officials of local offices were carried out because of procedures that served the interests of the colony during the appointment process through the electoral path.

This did not take into account their knowledge in appointing the veterans, and served as the chief criterion for how benevolent the colonial government was to the candidates confirming the results of the election, their "suitability for trust". The abuses committed by the Qazi were the reason for the true discontent of the people, appeals to various agencies with complaints, petitions and letters, but these appeals remained unanswered for years, after which the zero government was unable to undo the procedures it had established.

The implementation of the judicial reform of 1864 in Turkestan, led by the Russian court of Justice, created a harmonious system of local judicial bodies with established powers serving the interests of the colony. At the same time, for the first time, the separation of judicial power from administrative power, the independence of the judiciary, transparency, publicity of the trial and the controversial character were introduced. However, there was also a special feature of the implementation of the reform in Turkestan. In particular, the courts have a dual view in terms of activity, and are formed as courts and people's courts. The first of these served to protect pure colonial procedures, while the people's courts were the qazi courts acting on the basis of Sharia judgments.

During the colonial period, members of the local district court could not resist the existing regime when considering cases on crimes considered within their competence, since when considering such types of cases, the principle of Sharia and law-making of judges did not actually work.

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