



## POLITICAL-LEGAL REGULATIONS IN AMU-DARYA REGION AT THE END OF THE XIX AND AT THE BEGINNING OF THE XX CENTURIES

**\*Abdullaev Anvar**

Nukus State Pedagogical Institute, Karakalpakstan, Uzbekistan

### ARTICLE INFO

#### **Article History:**

Received 10<sup>th</sup> February, 2018  
Received in revised form  
19<sup>th</sup> March, 2018  
Accepted 05<sup>th</sup> April, 2018  
Published online 28<sup>th</sup> May, 2018

#### **Key Words:**

The Turkistan general-governorship,  
Sirdarya region,  
Amudarya department, regulations,  
Russian Court. area. People's Courts.

### ABSTRACT

The article deals with the political-legal regulations and initial stage of formation of Russian judicial system in Amu-Darya region at the end of the XIX and at the beginning of the XX centuries. The organization process of Russian judicial system is basically studied in the article. People's Court worked in the region as well. Sometimes judges served as notary. Courts were formed after Temporary regulations about ruling over Amu-Darya region and Regulations about ruling over Turkestan territory had been adopted.

**Copyright © 2018, Abdullaev Anvar.** This is an open access article distributed under the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

**Citation: Abdullaev Anvar, 2018.** "Political-legal regulations in amu-darya region at the end of the xix and at the beginning of the xx centuries", *International Journal of Development Research*, 8, (05), 20386-20388.

### INTRODUCTION

After the Russian Empire had conquered the Khiva khanate at the last quarter of the XIX century there was organized Amu-Darya region and its political-legal position was entirely changed. In 1873 there suggested a project "Temporary regulations on ruling the Amu-Darya region" and in 1874 it was accepted by the Russian Emperor after which the imperial laws and regulations were fixed up. In the 18th article of the regulation it was noted that in "in case of disputes and quarrels of the Russians with the natives, the chief of the region had a power to entrust responsibility of judge to one of his assistants [1]. On the basis of "Regulations on ruling over Turkestan region" the military men controlled all districts and they had both military and civil power. The chief of Amu-Darya region had a power of military governor in regard to people. The assistants of the chief of the region had the rights of regional chiefs [2]. The Russification of the region had increased. The Czarist residency paid special attention to the judicial system. The chief of Amu-Darya region interfered in and entirely controlled all issues concerning the judicial -legal system.

After the "Regulations on ruling over Turkestan region" had been adopted in 1886 there was formed a Russian judicial system and it was developed systematically. Court officials of Amu-Darya region had specific status and controlled political, judicial-lawful positions and ideology of the population. According to Regulations there operated one supreme judge in Chimbay and Shurahan. Local people had kazyi(principal) and biy regional judges. Each principal had one judge in People's court. These Regulations were republished several times in different years and different changes were put into the articles the concerning judicial system. At the same time some great changes had taken place in political-legal life of the region. In the article 117 of the "Regulation" published in 1886, it was noted that judicial power belonged to Supreme court, Regional court and the governing senate in Turkestan territory. The Judicial power applied to people with different status and also to local people mentioned in the articles 141-143, 173, 176. Article 91, i.e. from 117 to 207 of the 2 part of volume 2 of "the Regulation" was devoted to judicial system. According to articles 117,140, 141, 142, 143, 173,176 people from local population were amenable [3]. There were operated judges in People's court - kazyi and biy judges[4]. There also organized Supreme courts in the region. They could consider civil cases which were within the jurisdiction of People's courts in case

**\*Corresponding author: Abdullaev Anvar,**  
Nukus State Pedagogical Institute, Karakalpakstan, Uzbekistan.

when agreement of plaintiff and respondent would follow. Agreement must have been included into records of supreme judge. The Supreme judges also conducted notarial issues where necessary [5]. Regional judges and prosecutors could choose translators, chancery division, and they could also admit people for job or dismiss. The activity of judges was controlled by the Minister of Justice and governor. Year by year ruling over the region had been developed and different forms and methods of ruling were accepted. These forms and methods were developed in the Regulations adopted in 1892, 1901, 1903, 1911, 1914, 1916. In "the Regulations" adopted in 1901 Russian judicial cases were divided into two parts, i.e. civil and criminal. 25 articles, i.e. from article 25 to 49 were devoted to civil, cases and 37 articles, i.e. from article 53 to 89 were devoted to criminal cases [6]. Below we'll give an example from trial of the supreme judge of Amu-Darya region. The given case was considered befou by the assistant of supreme judge E.Levitskiy. Due to the fact that the case hadn't been considered in an efficient level, i.e. reasoned facts of accused were and argumentative not included.

In 1887 March 16, the case was again reconsidered by Syrdarya regional court chaired by D.G.Rojdenstvenskiy, with participation of court members Yu.D.Yumakova, h.M.Kislinskiy, and the case was reconsidered again during the secretary of N.S.Cherdantsev. But the case, i.e. if accused «S.Kh.» killed the chairman of Kungrad principal the mullah «R.» or didn't was undiscovered till the end.

After Syrdarya regional court had investigated the mentioned case and had found some mistakes in the activities of Amu-Darya regional court, there were made the following remarks:

- Firstly, the place where the mullah «R.» had been killed, wasn't properly investigated and fully searched, and also the brother of the killed wasn't questioned.
- Secondly, it wasn't defined what shoes the suspected person Babajan Pirnazarov and accused «S.Kh.» had worn.
- Thirdly, Those who had seen the crime were not questioned.
- Fourthly, It wasn't defined if the killed and the accused had any suspicious relations.
- Fifthly, chemical and microscopic expertises in defining stains on the clothes of the accused were not conducted.
- Sixthly, the witnesses were not questioned under oath.
- After all these remarks mentioned, the Syrdarya regional court returned the case back to Amu-Darya supreme court and demanded explanations.
- In 1888 April 8, the Syrdarya regional court examined the above mentioned case in an open court and relieved the accused «S. Kh.» as unguilty, i.e. due to the absence of crime in his action
- The analysis of archival materials showed that the prosecutor of the region was presented and made decisive word in this judicial proceeding.

Then, in 1888 April 24, the administrator of Shayh-Abbas-Valiy principal wrote the act that the inhabitants of Shimam village Irman and «D.B.» were killed intentionally. The given case was reconsidered by the assistant of Amu-Darya regional court and guilties were punished [8]. Different movements against the policy of tsarist power were increased. One of such

movements was organized under the leadership of Baba Guklan. There was a letter kept in state archive of the chief of Amu-Darya region which had been sent to the chairman of supreme court of the region. He writes: Baba Guklan and his group found 53 cartridges at the house of «S.A.» and two of those ones were noted with state sign. One cartridge and eight-shooters were left in investigation department as evidence and he mentioned that in 1887 April 16, he again started criminal case on this issue [9]. They attacked Nukus post-office. The suspected were mullah «B.», «K» bala, "A.», «A.», «U.S.» front turkmen race of Guklan Baba Utuzov race and others. Nobody knew about the existence of the group till the end of investigation process [10]. But, the case was reconsidered on October and December 1895 and all the suspected were discharged from custody because of the absence of crime.[11] But, in 1897 August 7, the chief of Amu-Darya region A.S.Galkin again raised this issue and wrote a report to the prosecutor of Syrdarya region and they began to make things clear [12]. The chief of Amu-Darya region interfered into all judicial-lawful systems of the region. The kaziy judge Shayh-Abbas-of Valiy principal in his decision to transfer 21/2 part of land to Ya.D.» from «B.H.» mentioned the names of witnesses as «I.», «A.», «P.I.», «I.A.», «H.Sh.» [13]. After that in 1897 July 30, the chief of Amu-Darya region the colonel (his full name was not mentioned and there was the signature of the chief in the archival documents. But at that period the chief of Amu-Darya region was A.S.Galkin-A.A.) invited all witnesses to Petro-Alexandrovsk and again questioned each mentioned witness. It turned out that all these witnesses were absent in place of crime as controversy because of land and they didn't take part in the process of Kaziy court [14]. Acting as judicial officer the Shurahan divisional police officer levied 1259 roubles for benefits of «G.»n, showing "different evidences" of «S.U.» and «U.Y.» [15]. The kaziy and biy judges abused their positions. They also controlled social-political, economical conditions of the population, particularly land-water resources and the system of tax collection.

Sometimes they bereaved local people of land and gave to Russians. This situation brought to dissatisfaction of population. Thus, the local people often applied to the chief of Amu-Darya region. And he responded to some applications, and he considered unnecessary to respond some others. This showed from one side that ideology of the local people increased, and from the other side the Russian administration ignored many complaints and applications or considered perfunctorily [16]. The authorized representatives of the Emperor-counts and senators studied, analysed economical, political and spiritual-educational parts systematically and they identified "strong" and "weak" features of local people, and defined "nicety" moments on ruling over the region. The aim of the tsar's administration was to try to obtain respect for Russian laws from the side of local people and to rule over them, and also not to give opportunity for activation of the population and to keep them dependent.

## REFERENCES

1. Temporary regulation about ruling Amu-Darya region. The Central State Archives of the Republic of Uzbekistan.(CSARUZ). Fund. Index-1, Inventory-11, file-293, literature-11.
2. CSARUZ. Fund. Index-1, Inventory-11, file-293, literature-11-Back side.

- 3.Regulations about ruling Turkestan region.Volume-II,part-2. St.Peterburg.1886-Pages-16, 19, 20, 23, 24.-Counted by the author-A.A.
4. Regulations about ruling Turkestan region.Volume-II, part-2. St.Peterburg. 1886. – P.16.
5. CSARUz. Fund. Index-1, Inventory-31, file-539, literature-10.
6. CSARUz. Fund. Index-27, Inventory-1, file-204, literature-59, 60, 61, 61- Back side, 62, 89, 91, 91- Back side, 92- Back side.
7. CSARUz. Fund. Index-127, Inventory-1, file-204, literature-7.
8. CSARUz. Fund. Index-127, Inventory-1, file-217, literature-31, 33, 34, 35, 36, 37, 45.
9. CSARUz. Fund. Index-127, Inventory-1, file-206, literature- 15,21,24- Back side.
10. CSARUz. Fund. Index-127, Inventory-1, file-206, literature- 149-149 - Back side.
11. CSARUz. Fund. Index-127, Inventory-1, file-206, literature- 1,2-2- Back side, Back side, 11-11- Back side.
12. CSARUz. Fund. Index-127, Inventory-1, file-898, literature-8.
13. CSARUz. Fund. Index-127, Inventory-1, file-898, literature-11.
14. CSARUz. Fund. Index-907, Inventory-1, file-415, literature-13.
15. CSARUz. Fund. Index-1, Inventory-25, file-24, literature-1, 6, 10, 61, 62.
16. CSARUz. Fund. Index-461, Inventory-1, file-1888, literature-8; Turkestanskoe slovo. 1917. 25-January. №2.

\*\*\*\*\*