

Features of Following the Customs and Traditions in Turkestan in the Late XIXth and Early XXth Centuries

M. Nogaibayeva and Zh. Kumganbayev

II. THE MAIN PART

Abstract—This article discusses the customs and traditions in Turkestan in the late XIXth and early XXth centuries. Having a long history, Turkestan is well-known as the birthplace of many nations and nationalities. The name of Turkestan is also given to it for a reason - the land of the Turkic peoples who inhabited Central Asia and united under together. Currently, nations and nationalities of the Turkestan region formed their own sovereign states, and every year they prove their country names in the world community. Political, economic importance of Turkestan, which became the gold wire between Asia and Europe was always very high. So systematically various aggressive actions were made by several great powers. As a result of expansionary policy of colonization of the Russian Empire - the Turkestan has appeared.

Keywords—Turkestan, Turkic people, Asia and Europe, Russian Empire, democracy.

I. INTRODUCTION

AFTER becoming independent, we got an opportunity to objectively assess our story. It is known that in the period of Soviet government, the national essence was distorted. Now, from our point of view, there is an opportunity to review mistakes in accordance with the historical reality. The state and the legal history of Kazakhstan, there are many issues requiring careful study and precise revision. And the features of following the customs and traditions in Turkestan in the late nineteenth and early twentieth century's, is one of them.

End of the XIXth and early XXth century, the legal life of Turkestan was marked by rapid execution of the Russian colonial laws with all of its features. Russian Empire began an aggressive policy in Turkestan with destruction of the principles established in the state of the legal system for centuries. This reflected in the life of the society living in the region. Mechanism of traditional state power was disrupted, replacing machine of colonization did not give the expected results. The traditional system of governance, which became the basis of democracy of the steppe nomadic society began to disappear. One of these democratic mechanism was the judicial. Judicial power in Turkestan created the conditions for the existence of two hormonal systems, keeping current environment of political and legal entities.

M.Nogaibayeva, Assoc. Prof. of Al-Farabi Kazakh National University, Faculty of History, Archeology and Ethnology (nmendigul@mail.ru).

Zh.Kumganbayev, PhD student of Al-Farabi Kazakh National University, Faculty of History, Archeology and Ethnology (zhankum0186@mail.ru).

Firstly, due to the dominance of Islamic people in the region, adapted to the people representatives of the Muslim world - the courts "kazi" which were a reflection of the steppe democracy and courts of "biy", which also existed and were complementing each other. Of course, if the courts "kazi" were giving some freedom to some bureaucratic actions, the courts of "biy" were doing their job in the best of their ability. Over time, the traditional system of biy courts began to fade and started representing more imperial policy. At the beginning, the Turkestan consisted of the Syr-Darya and Semirechenskaya areas, later on using their aggressive policy, there were other regions included. "At first Turkestan consisted of Syr-Darya and Semirechenskaya areas. After the final abolition of the Cocand Khanate in 1876, its territory under the name of the Fergana region was included in the Turkestan region. In 1887, Samarkand area was also included in Turkestan region, and in 1889, Trans-Caspian region was included as well. The capital city of Turkestan and where the Governor-General was established, later on became city of Tashkent. The regional center of the Syr-Darya region was Tashkent, Semirechenskaya - Verniy (Almaty), Ferghana - New Margelan, renamed in 1907 to Skobelev (Fergana), Samarkand - Samarkand and the Trans-Caspian region - Ashkhabad (Ashgabat)"[1].

In exercising its power in Turkestan czarist Russia pursued a few easy goals. Firstly, the effectiveness of Turkestan, as a trade zone between Iran, Afghanistan and India, and the establishment of economic relations across the region was very acceptable. Secondly, Turkestan was interesting as an agricultural land. This meant that the demand on agricultural products could be satisfied by using this region. Thirdly, the region was rich in natural resources: "Turkestan has abundant natural wealth for the development of the productive forces. The natural conditions of the region were favorable for the development of the cotton, livestock, forestry, sericulture, apiculture and other sectors of agriculture. The land was rich in minerals. However, the rich possibilities of the region were used quite insignificantly due to the domination of pre-capitalist production relations. Huge areas of arable land were not used. So, in 1909 agricultural areas were only 3.9% of the total land across the province, and with forests, this cultural area reached 23.3%" [2]. Fourthly, tsarist Russia wanted to keep the integrity of its southern regions. Fifthly, having the Turkestan made it possible to control other regions of Central Asia. Sixthly, was to resolve its own demographic problems.

It also resettled other nations: "The imperial government was exercising colonialist policy in Turkestan, resettling "excess" populations of Russia to the region. The best lands in Turkestan were given to the new settlers and the local population got the worst areas. Tsarism cultivated national hostility and mistrust between the peoples, implementing in practice the slogan of "divide and rule" [3].

In order to manage the region, the tsarist government of Russia has executed series of administrative and economic reforms. As a result of the development of many cities in Central Asia in 1867, Tsarist Russia formed in Semirechenskaya and Syr-Darya regions Turkestan general-governorship. That year, the first governor-general of Turkestan was appointed, it was Kaufman K.P. This step had a purpose. He was an the real nationalist, an officer implicitly obeying its commands coming from the Tsar: "The first Governor-General of Turkestan was Kaufman K.P. Tsar's choice fell on him not accidentally. In the early 60's Kaufman K.P. was the director of the Office of the War Ministry in St. Petersburg. Then he was appointed as the governor-general of Vilnius. While in Vilnius, he forbade printing in Lithuanian (zhmudskie) and books using Latin alphabet. "Forever stop using Latin characters in zhmujskiy language", - he ordered, while was a convinced russian-converter. In other words, the whole nation was deprived of using its own language to read" [4].

Now, K.P. Kaufman was one of the most trusted subordinates of Tsarist Russia. Governor-General of Turkestan has concentrated in his hands both military and civil authorities. Turkestan up to 1918, before the establishment of Soviet power was controlled with specific care.

After the capture of the Central Asian nations, tsarist government established its dominance. In this regard, the Russian Empire in the control over the province was supported by local aristocrats: "In the period of joining the Central Asia to Russia, the tsarist allies showed up. These were the many khans, lords, merchants and other Uzbek, Tajik, Kazakh and other exploiters who gave up to tsarist generals their cities and fortresses to get their support in the fight against their own people, for the preservation of their power, titles, awards, profit" [5].

Backed by its accomplices, Tsarist Russia began major administrative reforms. At the beginning Turkestan was controlled basing on the "Charter on the management of Turkestan", developed in 1867. In accordance with this Charter's Article 6, the system of government of Turkestan was of the following structure: "Management of Turkestan: 1) the main control, 2) management of individual parts of different departments, 3) the local administrative control: a) regional, b) county, c) urban, d) rural, 4) the court" [6]. As mentioned above there was regional Turkestan military administration. This mechanism was reflected in Article 8 of the Charter: "Management of Turkestan, with the exception of establishments and persons belonging to legal, financial,

supervisory, academic and post and telegraph offices, are the responsibility of the Ministry of Defence".

Turkestan was managed by the Governor-General, who was appointed and dismissed by the Tsar of Russia. The Governor-General had the authority associated with the domestic and foreign policy of the region. He is endowed with great economic power in the region. In the prescribed manner he distributes the funds allocated for the construction works and projects on his own. The Governor-General had the judicial power too. If necessary, he could punished the law-breakers without trial and court. With the consent of the Ministry of Internal Affairs, he was authorized to be exile from the province politically undutiful local residents for a period of 5 years. Also had the authority to expel foreign nationals.

According to the Article 17 of the Charter under the governor-generals, there were Councils, working as assistants, officials on the most important missions, interpreters and office workers.

The legal status of the Council acting under the governor-general was lower. It served as an advisory body: "The Council of the Governor-General was an advisory body, and consisted of the military governor of the Syr-Darya region, prosecutor of Tashkent Court of Justice, manager of the government and controller of chambers, the chief of the staff of the Turkestan Military District and the Office of the Manager of the governor. In the work of the Council under the Governor-General by its consent, there could participate other officials.

Opinion of the Board and officers of the district was not required for the Governor-General" [7].

Local authorities of Turkestan were managed by the Article 3 of the Charter. According to Article 43 of the Charter, regional department consisted of military governor and regional administration. Military governor was elected with prior approval of the Ministry of Internal Affairs and the Governor-General of Turkestan with nomination of the Military Minister generally through rules of the Senate.

Administrative-police department headed by the head of the county. County manager was appointed and dismissed by the Governor-General with the advice of the regional governor. The power of the county manager allowed him to keep the area in proper order. The county manager controlled not only the police, but also the respective military units.

The system of government of cities that are part of the Turkestan region formed by the example of the county government. City was led by county managers, in their absence by district managers. They were observed by regional administration and the military governor, as well as members of urban societies. Among the cities of Turkestan and Tashkent they had a special status. They were managed by the head of the city and he had a lot of power.

The updated and officially adopted "Charter on the management of Turkestan" in 1886, the system of the board villages was divided into three stages: 1) the settled communities, 2) the nomadic communities, and 3) locations of Russian or other nationalities, not the indigenous population.

Management of settled communities was done in the following manner: the local population counties were divided into townships, and townships were divided into rural communities (seniority). A municipality governed townships had a manager, and rural communities were managed by rural elders. They were elected once every three years.

Nomadic communities were headed by the example of settled communities. But there are also specific features. County was divided into townships and townships into rural communities. The number of houses that were among the townships and rural communities defined by regional administration, but this indicators should not exceed standards: township - two thousand homes, rural community - two hundred.

Under the Charter, houses formed separate building. These included: yurt, huts and houses. Township government was situated in a comfortable for life of the population place. They were divided into spring and winter houses.

The third category of settlements, settlements of Russian or other nationalities, non-indigenous, lived under the system of government of Russia itself. This was reflected in Article 116 of the Charter: "Every village, populated by Russian and by non-indigenous population, forms a separate rural society, and with development of colonization - gradually formed townhouses of villages having mutual relationship between each other. The rights and obligations of the village elder, structure, objectives and procedures of village meetings were determined by the rules established for the public management of rural inhabitants of the empire. Before the formation of the rural counties of the district, they are under chiefs of administration" [8].

Carried out in the region administrative reforms have become judicial reform. Formed over centuries judicial system in line with the ambitions of imperial Russia has undergone dramatic changes. Based on the "Charter on the management of Turkestan" in the region, there were global and regional courts formed. At the discretion of the new vessels, there were a number of important issues transferred, their power expanded. Based on the Articles 141 and 142 of the Charter, the following issues were to their consideration: Crimes and offenses 1) against the Christian religion, and 2) the state of affairs, and 3) the order of the Board, and 4) the State and society, and 5) the state and district regulations, 6) Treasury assets and income, and 7) social purity, 8) against the public peace and order, 9) against regulatory laws, 10) against the life, health, freedom and honor, 11) against the property.

To avoid the grievances of the indigenous population except the administrative courts have been organized and the people's courts. People's courts were able to judge by the established rules of Sharia laws and the customs, traditions. But still, the list of questions given at their discretion was limited.

According to the Article 211 of the Charter the people's courts have considered the following cases: "1) all cases of crimes and misdemeanors committed by the natives, with the exception of Articles 141 and 142, and 2) all civil cases

arising between natives, subordinated to the same people's court, if these things are not based on documents executed or attested by the participation of the Russian authorities." The reforms carried out by the Russian Empire and formed in the edge of the control system caused the discontent of the local population. Besides the revolutionary uprising of 1905-1907 in Russia had influence in Turkestan. Frequent grievances of the local population to the circumstances. "In the autumn of 1905 in Tashkent, Samarkand and other cities of Turkestan, the striking workers, carried out the strike and staged rallies in Tashkent ... in 15 of October 1905 held a rally, which ended demonstration of Russian workers, joined by workers of other nationalities, the urban poor, the petty bourgeoisie and the farmers suburban villages " [9].

In this regard, the Russian government has increased the number of supporters of a strong military power and blooming at the edge of civil administration. The last words of the governor-general of Turkestan Governor-General Kuropatkin can serve as the argument: "We must ensure that we feared and respected. Love after "[10]. This view is supported by many of the king's officials, "Most of the king's officials are inclined to believe that the efforts of the military administration of the province:" The Russian military power - wrote one of them, - clearer and more impressive to the hushed crowd of native than civil "" [11].

It is clear that Russia's participation in World War I and as a result, attracting people of Central Asia as black workers caused a wave of discontent among the local population of Turkestan. The failure of the system of government of the Russian Empire led to the edge of a revolutionary situation.

III. CONCLUSION

Conducted in Turkestan administrative, legal and judicial reforms have disappearance of traditional mechanisms of power, separating it from centuries of constant way, and the images of the biy, marked a golden age in the minds of the people will remain forever consigned elements of the past.

Summing up, we can say that the arrival, establishment and further development of Soviet power in Turkestan were the result of the prevailing political, legal provisions and took place in the Russian revolutionary unrest.

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