

DESCRIPTION OF KAZI POSITIONS AND THEIR ACTIVITIES IN THE LOCAL GOVERNMENT SYSTEM

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Annotation

In this article, issues related to the history of Kazakhstani courts, legal regulations, notarial acts, their impact on local government, economic, political, social, religious, cultural life, procedures for conducting business of the Kazakhs of the Turkestan region, legal foundations and legislative reflection of legal values were considered.

Keywords: inheritance, right of succession, activities of people's judges, mandatory share in inheritance.

Introduction. In the years of independence, the struggle was broken to further strengthen the legal system, studying the centuries-old traditions of the Uzbek people as well as the rich experiences of developed democratic states.

The activities of the Kazakh court, established in the management system of the governor-general of Turkestan, the established rules and the state of their observance, the problematic issues that arose were analyzed using the information contained in the work of Muhammad Aziz Marghilani "history of Aziziy". Methods such as logical, historical, comparative legal, sociological were also used on their solutions.

In his work, Muhammad Aziz Marghilani brings important information about the Qazi court, the duties and powers of the qazi, the general and private aspects of the judicial system of the Turkestan region, the new laws introduced in the National Qazi court system during the colonial period, their introduction into practice.

Analysis of thematic literature. Depending on the content of the conceptual and methodological approaches in the existing literature on the subject historiography, it was considered desirable to study into three groups, namely literature created during the years of the Russian Empire and Soviet power, studies created during the years of independence and works of foreign researchers.

The first group, the literature of the colonial and Soviet periods, was separated from the periodic point of view by two separate stages: 1) 1867-1917; 2) 1956-1991.

Scientific literature related to the topic was analyzed according to territorial and periodic principles in 3 groups: 1) literature created during the years of the Russian Empire and Soviet power; 2) scientific research in the years of independence; 3) works of foreign authors.

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

Analysis and results. The emirate of Bukhara, Khiva and Kokand khanates had a qazi court based on Sharia law and the Qazi Court performed supervisory and punitive duties. [1].

Qazi's duties included reviewing all civil and criminal cases in his city or province, supervising public morals and foundation properties, appointing a guardian, monitoring the condition of public buildings, structures, roads, streets, squares, heritage, probate matters, ensuring that Qazi sentences are properly executed under Customs and Sharia law, law enforcement agencies supervise wardens, properly meeting and distributing Zakat, alms and other public funds [2].

The existence of a Kazakh court system based on sharia rules required that local conditions and national characteristics be taken into account when creating a new secular court system and legislative procedures[1].

In particular, Kabir bin Kabir ad - Dizzahi's "Fatwoi Kabir" - (فتاوى كبير) presents population appeals to the Qazi[3].

یکی در شهر المالع یکی را صد دینار داد که به سمرقند برو بصلان کس که دایت منست بره و حجت افرار با بدل اجارت را از وی بکیر این انیر با صد دینار بسمرقند امد دادای د این نمیکند درینصورت این و این تواند که بظر این خیره این صد دینار از این رنید و وکیل طلب و کیرد.

Translation: A man gave a hundred dinars to a man in moleg, and the document came to Samarkand with a hundred dinars with the help of a man who rented aforor. This person does not do this in this case, and he can hire a legal defender (lawyer) to ask them[3].

در انج ذید یکی دو از کوش معین را بر حفص دعوی میکند که در این کوش حق و ملک منست و صفص میگوید که این در از کوش را خالد غلام تو عین با مانع مانده است و بروفق مقالش اقامت بلینم علول میکند شرعا در ین صورت دعوی از یدمندفع شودیا نه اجاب شود والله اعلم.

Translation: then Zaid claims to Hafs for one or two specific attempts, in which he owns rights and property, and Safs claims to have left behind the door of this action with Khalid Ghulam To Ibn with Mant, and remains in place according to his instructions. Is the claim a sharia or not in this case? God knows[3].

فتاوی "Fatwoi Shaybani" Ali bin Muhammad Khwarazmi's (شیبانیه) [4].

در انج ذید خانها معلوم الجدود ملک خودش را بخاله بخشیده است مع قبولم کرده این خانها اشیا ذید بوده است این اشیا را از این خانها نی بر آورده بوده است شرعا در ین صورت ین هیه بوجه مذکور درست باشد یا نهاجاب نی والله اعلم قوله در همین صورت اگر ذید بعد از بخشیدن این خانها این اشیا خودش را از این خانها بر آورده باشد و این خانها را بخالد تیلیم کرده باشد موغا شرعا در ین صورت این هیه درست باشد نیز ایطه یا نه اجاب شده والله اعلم.

Translation: in this house, it is known that Al-Jadud tightened his property to holasi, holasi accepted, but he gave the objects of these houses to time. Then he took these things from the houses. If, after giving these houses, these things were taken from these houses to their own house, according to Sharia, God knows whether there was the right answer in this case or not[4].

The territories conquered by the Russian Empire were incorporated into the Empire and they were governed under a charter. Specifically, Section 13 of Chapter 3 of the 1886 Charter states that "every colonial territory shall have one military governor and one provincial governing Court"[5].

In order to give a legitimate position to the management of the subjugated territories, the military-administrative structure of chorism wanted to carry out peaceful and peaceful management with the rest of the states, and to conduct their relations "culturally" (after the forceful conquest of Turkestan). But as in any colonial state, Tsarist Russia acted under the slogan "reign and Reign." [6]

The Russian Empire gradually decided not only politically, but also its economic dominance in the country. This situation was manifested by the introduction of new laws related to the field of Economics. These laws, in turn, were created in order to bring constant success for the participants in the metropolis* of economic processes, and for local participants, who practically did not adapt to the conditions of colonial-capitalist development, to ensure exploitation.

L.Kostenko* , I.Geyer* , A.I.Vasilchikov* He put forward the idea that it was necessary to introduce civil, land-ownership laws in the territory, which were in Russian Practice[7].

This management, based on administrative command, was extremely centralized and embodied the duties of executive and control, creating law, issuing orders. In the mid-60s of the 19th century, in the 80s, economic activity was managed by the administration of the regions, regions and uyezds on the basis of a temporary "Charter". In each urban area, it was established that citizens operate in accordance with the city charter[8].

Lev Feofilovich Kostenko (1841-yil 19-fevral — 1891-yil 28-sentyabr) — rus harbiy ofiseri, Bosh shtab general-mayori, diplomat, Sharq harbiy boshlig'i, O'rta Osiyo yurishlari ishtirokchisi.

Ivan Ivanovich Geyer (1860-1908) — O'rta Osiyodagi rus tarixchisi va etnografi, Sirdaryo viloyati gubernatori o'rinbosari. Davlat maslahatchisi.

Knyaz Aleksandr Illarionovich Vasilchikov (1818-yil 27-oktyabr [8-noyabr], Sankt-Peterburg — 1881-yil 2-oktyabr Trubetchino mulki, Tambov viloyati) — rus yozuvchisi va jamoat arbobi.

It was decided that Sharia and local customs would be used until they were brought into compliance with colonial law, as well as all law rules that were contrary to the interests and management of the Russian state were abandoned.

Muhammad Aziz Marghilani's" history of Azizi " provides clear historical evidence on the processes of conforming Sharia and local customs to colonial law. This work is considered one of the rare sources on the history of the period of the Tsarist colony of the Turkestan region. It reflected the extreme cruelty of the Tsarist government towards the indigenous peoples of the country, and the policy that military-administrative management conducted the system in violation of our national customs and traditions.

It is known that the authority to govern the territory of Turkestan was entrusted by the emperor of Russia to the governor-general, who was appointed to the post and released. The governor-general of the Turkestan region ruled from Tashkent, which was the Administrative Center[9] and through which the Russian Empire had political-economic convenience and superiority in Central Asia[10]. At first, the "backwardness" of local courts was forcibly promoted, and the judicial system formed over thousands of years was reformed and new procedures were introduced. But their complete destruction was not achieved, and this was done after the establishment of the Soviet government in Turkestan in the first quarter of the last century[11].

Initially appointed governor of Fergana Province, general M.D. Skobelev (1843-1882) in accordance with the Order of the Governor-General of Turkestan, sent to the Istanbul war*. After that, the military governor of Samarkand A.K. Abramov (1836-1886) was transferred to head the Fergana region.* 1877-yilda esa Yangi Marg'ilon shahri bino qilinadi[12].

In the Fergana region, at first, in New Margilan, Russians are then given a check (land) to the local population, and attention is paid to landscaping. But Bekchurin, the governor of this uyezd, finds the notebooks of the previous governor, Sultan Murodbek, and gathers the mirzo and sarkors who served at that time, and calls the tanabkhash and re-arranges the tanabi Sharia notebook (list). He appoints the sarkors as sarkors to the villages by attaching one mirzo to each. It also sets the amount of hiroj* tax to be collected from villages to the sarkors and also makes them a notebook (list). To gain control over the local mirzo and Sarkos, Abduwali leaves Mirzo in front of him. After a year or two, the hiroj tax is calculated according to the stumbling block to set the limit and orders to receive money on it. Documents in the local language were submitted to the court of the governor-general of Turkestan in translation into Russian. In addition to collecting money from Hiraj and tanab, which left (or was issued) property, the court also dealt with the written response to the applications of an official and a citizen, to reports on various issues, documenting them[13].

From the day the Russians took Margilan, they divided the city into four geniuses by election and assigned them one thousandth and one Qazi by election. At the same time, it should be noted that the administration of the Russian Empire has retained some local office methods, as well as the introduction of new lavoisis into the management procedure. In particular, the Kazakh court and the post of mingboshi can be included among them. The new law of 1889 further strengthened the order.

The majority of the residents were elected. When there was an election to the millennium, most people who deserved this position did not accept it for fear of responsibility. As a result, people who were not talented in the millennium were also elected and set salaries for them based on their role. Elections were not held for the position of fiftieth Bishop, but they were appointed by Russian administrators. But the fifties had the right to vote in the election of the judges of the people. There are also cases of violations of the rules by some fifties in archival documents, abuse of their authority[14]. According to the National

Istanbul urushi-ya'ni 1877-78 yillardagi rus-turk urushi.

Abramuf-general-leytenat Aleksandr Konstantinovich Abramov. Farg'ona viloyati harbiy gubernatori (1877-80). Pishpek, Avliyoota, Chimkent, Toshkent shaharlarini bosib olishda jonbozlik ko'rsatgan.

Ya'ni yerni o'lchab soliqni pul bilan to'lash joriy etildi.

Xiroj-asosiy yer soligi. Ekilgan don mahsulotlaridan olingan. Serhosil sug'oriladigan yerlardan olingan hosilning 1/5 qismi, lalmikor yerlardan 1/10 qismi hajmida bo'lgan.

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Archives of the Republic of Uzbekistan (hereinafter – own MA,) i-19-fund List 1 3987-document held in the case, a person named Mulla Abdurasul offered money to fifty to vote for himself in the elections for the Kazakh election, and the election was postponed[15].

Justice is the supreme manifestation of the spiritual values of mankind, and, like the concepts of happiness, freedom, equality, peace, a person expresses his ERK and will. But such blatant irregularities in the elections left their mark as a black page in the historical ravines of the colonial era.

The administration of Tsarist Russia, officials, the province, the mayor-council of the city were responsible for large-scale bribes from officials, merchants and citizens of the Central Asian khanates under their colonial control in various ways[16]. About this Hungarian scientist P.Sarturi reported the following. "In the summer of 1936, Uzbek writer Abdullah Qahhor (1907-68) published a story in the satirical magazine "Mushtum" ("fist"). "The thief" is the moral story of an old little man who fought against the colonial bureaucracy to recover his property, a stolen ox, and got lost between local government connections."The plot is simple. The old woman, the disappeared Ox, her husband Cain grandfather, curious neighbors and among them the image of an amazing person, a deformed face[17] fifty noses without a nose are presented.

Paolo Sarturi advances the idea that through the story of the" thief", one can identify the contours of the colonial justice system. It characterizes bailiffs, police chiefs and translators as individuals with arbitrary authority to act in the way they see fit. How true does it actually fit?

Illegal behavior in the processes of electing people's judges to be said to be democratic or transparent by the Russian Empire has also been observed[18]. There were also cases of taming by colonial administrators. They also held repeated elections to elect their men. Even they received bribes not only in the form of money, but also in the form of wheat and expensive gifts. An example is the following archival document. According to the decree of the new Marghilan District Judge, Mulla Nurmat Eshboyev was elected people's judge of Kurshab volost on November 28, 1909, convicted of distributing wheat and valuable gifts as bribes to officials inclined to take office, and the case was heard in court. Mullah Nurmat Eshboyev explained this situation as a donation, not a bribe[19].

In the event of an event similar to the one mentioned above, the military governor had outlawed the electoral processes and sent instructions to the venues for a re-election[20]. Also, the election was re-held even though qazi, who was elected at the end of the election, did not approve of the governor-general[21].

State of failure to fully comply with the established procedures for Public Administration L.Festinger*, in words, caused a state of "cognitive dissonas", i.e. acute psychological discomfort, among the population[22].

In order to work as an Alamu* mufti* in the qazilik court, he recommended that some qazis themselves be familiar. In this case, the governor submitted an application or a request by writing a report and was given the necessary document. With little probability in this case, istihson[23] may also be based on the principle of applying which one is better, more useful, more acceptable to the Muslim community. Issues addressed to public discussion at public meetings have usually found their solution in many cases[24]. Muhammad Saint Marghilanius, comparing the laws and regulations present in Tsarist Russia and the Times of the khanates, gives the following information: "But at the time of the Muslim kings (esa), the King, i.e., was received in the presence of the Khan, and a suporishnoma (order, commandment, decree) was made to the universe, and then suporing to the Lord of the universe. This man handed over to mirzoboshi in milk (court). Grace was written according to him. Khatib, the father of Khatib, was an imam and had a grace on his hand. But mumayyiz (the examiner) said that either okhund

Leon Festinger (ing. Leon Festinger; 1919-yil 8-may, Nyu-York-1989-yil 11-fevral, Nyu-York)-amerikalik psixolog, fikrlashni tartibga solish psixologiyasi mutaxassisi, ijtimoiy psixologiya, kognitiv kelishmovchilik nazariyasining muallifi.

A'lam-ilmiy martaba, olimlarning olimi.

Mufti-turli masalalar bo'yicha to'g'ri qaror chiqarish uchun fatvo, xulosa beruvchi olim.

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or kazikaloni would be the capital, a moderate person”[25]. It can be said that in Turkestan, state organizations controlled by election will have only an advisory voice in the management of the colonial territory.

In the Turkestan territory, we cannot say that the principles of Justice, Justice, correctness, which serve as a criterion in distinguishing between one of the normative categories of morality and law during the rule of the Russian Empire, whether existing social reality corresponds to the essence and rights of a person, are “fully established”.

This problem is determined by the fact that each event, event and process is in harmony with the development of society, the development of humanity, the rules of humanism and democracy. In this sense, universal justice rises above Class, national, group Justice.

The state of dependence can be seen in the fact that the khanates are deprived of the signs of supremacy and sovereignty of state power in the wake of the conquest of territories or the establishment of the rule of the Russian empire over them in other ways.

In local governance, the Quran, which is considered the Holy Book of Islam, was implemented with the help of Islamic traditions, requirements of faith, legal and moral standards, restrictions and prohibitions.

Conclusion

In the late 19th – early 20th centuries, opinions and reflections on the history of the Kazakh courts in Turkestan are found mainly in the process of descriptions of major events related to the Russian invasion and the colonial invasion of Central Asia. No special scientific research has been carried out on the history of the activities of the people's judges of the Turkestan region during this period and the Kazakh court.

1. Active in the Islamic legal system of the 8th and 19th centuries, the faqih and Qazi tried to legally justify, regulate and strengthen ownership, trade, socio-moral relations.

2. The Kokand Khanate was annexed into the Russian Empire much earlier than in other regions of Central Asia. The establishment of the Turkestan governorate general and Russian power in the place of the Kokand Khanate also did not initially lead to serious political changes. The colonial administration was transformed from the control of the territory at the disposal of the Kokand Khanate to the governor – general of Turkestan, which was the Office of the administrators of the Russian mutamlaka.

3. Even in social life, significant changes were not visible in the early period of the reign of the Russian conquerors. During the last years of the colonial rule of the Russian Empire, the Turkestan region in particular underwent significant changes in the socio-economic life of the Fergana Valley, including education, property ownership issues and tax policy towards adaptation to the interests of the mustamalaka administration through the principle of subordination.

4. Islamic culture and legal values, formed in the historical process in Turkestan, have penetrated into the way of life of people in order in accordance with the traditions of various aspects of the life of society: jurisprudence, public education, language, religion, moral standards and a number of other spheres of social life, existing local conditions. These processes are clearly visible in the activities of people's judges – veterans directly.

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