

**LEGAL ISSUES IN THE KHIVA KHANATE IN THE PERIOD OF
RUSSIAN CONQUEST**

Abstract: This article discusses about the legal issues in the Khiva khanate in the period of Russian conquest. During this period, there were three main types of land ownership in the Khiva khanate: property - private land ownership; kingdom or estate - state lands; waqf lands, i.e. lands belonging to priests and religious institutions were also reported to cover legal issues as well.

Key words: Amudarya department, devon, historical memory, waqf lands, agriculture, capital industry.

Introduction

According to the peace agreement with Russia in 1873, the Khiva khanate became a state under the patronage (protectorate) of the Russian state in the second half of the XIX century and the beginning of the XX century. It included the Khorezm region of the present-day Republic of Uzbekistan and the Republic of Karakalpakstan, and the Dashoguz region of Turkmenistan. The land on the right bank of the Amu Darya During this period, the Amudarya branch (1873-1918) was formed, which details the development of law in Bukhara and Khiva and its main features. As a result of the inflow of Russian capital into industry, trade and agriculture, the construction of primary processing plants for raw materials, cotton ginning, oil, tanneries, railways began.

Materials and Methods

The Khiva khanate, whose economy, especially cotton, was adapting to the needs of Russian industry and the market, became the main raw material base of tsarist Russia, as was the whole of Central Asia. During this period, there were three main types of land ownership in the Khiva khanate: property - private land ownership; kingdom or estate - state lands; waqf lands, i.e. lands belonging to priests and religious institutions. In order to expand the scope of his political bases,

the khan began to gift many state lands with a special label in return for service. Such lands are exempt from taxes and are called label property.

All taxpayers are divided into three levels, depending on the amount of land: 1) excellent - the highest level - those who own 10 or more of land, who paid 3 gold taxes; 2) middle (avset) - 5 to 10 lands, 2 gold taxpayers; 3) kuyi - 1 to 5 lands, 1 gold taxpayer. In total, the khanate had more than 25 permanent and temporary taxes and levies in place. Farmers who owned their own land paid land tax to the state. Indigenous and landless farmers constituted the main majority, and landless were considered tenants.

Lands leased by tenant farmers are divided into three types, depending on who owns them: a) bevatan - tenants of state lands; b) koranda - tenants of private lands; c) foundation - tenants of foundation lands. Regarding the state system, it can be said that although the Khiva khanate was under the patronage of the Russian Empire, the supreme power here remained with the khan. But the foreign policy of the Khiva khan was completely and partially limited by domestic policy. The legal status of the Khiva khanate under the Russian protectorate was determined by an agreement between the Khiva khanate and the Russian government on August 12, 1873, when it was surrounded by Russian troops. The khan recognized himself as the "Obedient Servant" of the All-Russian Emperor. Its diplomatic relations with neighboring countries have been severed. The treaty abolished the khan's right to foreign relations, changed the state's international legal status, and made it a vassal state before Russia. At the same time, the khan lost his independence in the internal administration of the country: in appointing all administrative and military officials of the country had to obtain the consent of the Governor-General of Turkestan.

Results and Discussions

Under the 1873 treaty, a seven-member council (devon) was formed to oversee the activities of the khan's government and to establish relations with the governor-general of Turkestan, four of whom were representatives of the tsarist administration. Although the chairman of the council was a khan, his decisions

were approved by the governor-general of Turkestan. After the formation of the Amudarya branch, the head of this department became the diplomatic representative of the Russian government in the Khiva khanate, and 1 council was abolished. The head of the Amudarya branch, who had the authority of the governor, supervised the activities of the khan and his government. It should be noted that the khan of Khiva Muhammad Rahimkhan II (1865-1910), in contrast to the Emir of Bukhara, aspired to independence. The Emir of Afghanistan, a clever statesman and enlightened man known as the Feruz poet, secretly received representatives of Turkey and Britain and held some negotiations. The special department of the Turkestan Governor-General's Office, the district headquarters in Khiva, and the monetary reform (1900-1907), which put the economy in a difficult position, prompted the khan to do so. Nevertheless, the Khorezm khanate retained the appearance of a state based on absolute monopoly - monarchy. Legally, the head of state was the khan who inherited the throne, and the legislative, administrative, and supreme judicial powers also belonged to him. He was the owner of all the land and water and ruled the state relying on the nobles, priests and high-ranking military men who owned the land.

Kushbegi was one of the highest officials of the khanate, ruled the southern part of the country at the level of first minister, and oversaw the receipt of taxes and levies to the treasury. The owner of the second mehtar position, mainly in charge of financial matters, managed the population of the northern part of the khanate. But the powers of the positions are not clearly delineated. The powers of the first ministry were often changed, sometimes in the hands of a bird, sometimes in the hands of a mehtar or a devonbegi. During the reign of Muhammad Rahimkhan II, the rule of the country was concentrated in the hands of Muhammad Murad. As for the judicial system in the Khiva khanate, it was almost similar to previous periods. The khan held the highest court (and trial) in the criminal cases of rebellion, robbery, and the leader of such a group. He is followed by Qazi ul-kuzzot or qazikalon (supreme judge), lower court judges who decide civil and criminal cases of citizens on the basis of Sharia law, military judge (or military

judge), naqib - senior judge during wartime Later there were appellate courts, such as the Hayat ul-Fuqaha (Court of Faqihs), the Court of Religious Affairs, and the Court of Ulema (the Court of Religious Affairs). Sheikh-ul-Islam is the supreme judge in matters arising in religious matters. In addition, during this period there was an official in charge of discipline in the khanate - Eshan chairman, army chief, yasovulboshi, mirshab - chief of police. The nomadic mentality of the Khiva khanate: in the case of the Turkmens, Karakalpaks, and Kazakhs, civil and criminal cases were often decided on the basis of customary law in the councils of their chiefs, the biys (courts). According to the treaty of 1873, the criminal cases of Russian citizens within the Khiva khanate or their mutual disputes, the claims of the Khiva people against them were strengthened by the jurisdiction of the Russian courts. The Khiva khanate during this period was also divided into 20 principalities and 2 deputies in terms of administrative-circular structure, headed by governors, deputies, deputies at the head of the principalities, who could also be appointed or dismissed by the khan.

Here, the capital, Khiva, was a separate district (governed by the province) governed by the khan.¹ The trial, although there were no separate (separate) rules for dealing with criminal and civil cases, was formal (written). . An example of this is the large number of notarial documents that have come down to us. In particular, the "Khiva catalog of court documents" recently published in collaboration with Japanese scholars is a clear proof of this. The trial was contentious, the hearings were open, oral, and the decision was made immediately. Regarding the legal system, it should be noted that the main source of law for the local people, not only within the Governor-General of Turkestan, but also in the Bukhara Emirate and Khiva Khanate, remained Sharia law, as well as customary law. However, it should be noted that the khan's decrees on criminal law have also become a source of law. Even punishments not specified in the Shari'a have been imposed on the basis of these documents. Conquest law was applied to citizens and criminal cases involving Russian citizens.

Conclusion

It should be noted that with the development of industrial production, these sponsored countries gradually began to enter the institutions of European law, such as banking law, joint-stock law, promissory note, the right to transport goods by trains.

References:

1. New history of Uzbekistan. The first book. "Turkestan during the conquest period of Russia". - T: East. 2000
2. Ziyoev.H. History of the struggle for independence of Uzbekistan. T: East. 2001
3. Eshov.B, Odilov.A History of Uzbekistan. I skin. From the earliest times to the middle of the XIX century. - T: .New Century Generation, 2000