

Legislation of the tsarist government on tax and judicial systems of Kazakhstan in the XVIII-XIX centuries

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Abstract: In the article the legislation of the tsarist government on tax and judicial systems in the XVIII-XIX Kazakhstan centuries. Legislation materials allow us to trace the tsarist government policy over time, help to understand her true plans. The study and analysis of legislative materials indicate by what means, how and why, carried out the colonization of the region, reveal the true extent of the enslavement of the Kazakh region.

Key words: *Legislation; The tsarist government; Taxation; The judicial system; In the XVIII-XIX Kazakhstan centuries*

1. Introduction

Policy of the Russian Empire aimed at the expansion of territories, conquer new colonies, markets and sources of raw materials has led to the adoption, implementation and realization of legislation on the territory of Kazakhstan of XVIII - early XX century. Of great importance in the empire was given to the development and implementation of laws relating to changes in the tax system and legal proceedings in the new territories. Legislation empire summed legal basis for the success of the administrative, political, economic and other reforms in Kazakhstan (Otepova and Ilyasova 2014; Abylhozhin 1997; Akatay 1998; Bekmahanov 1992; Borsukbayeva, 2009).

The taxation system was introduced gradually, taking into account the degree of consolidation of positions tsarist in Kazakhstan. Implementing and disseminating new taxation system in Kazakhstan, the tsarist government sought to ensure that the profit was of a permanent nature. If in the initial period of accession of Kazakhstan, is only nominally installed tributaries tax, like all foreigners empire, gradually the number of different types and fees, duties increased significantly.

In the XVIII century, the collection of taxes and duties has not worn a systemic nature. Basically, the completion of the imperial treasury was carried out by charging fees for these or other transported goods. This is evidenced by the following legal documents: "On recoil when Guryev town with fishing, and drinking customs duties in the content Yaik troops"; "On the collection of fees at the Orenburg and Troitsk fortress"; "On the procedure of charging determines the amount of fees on goods, both Russian, and Asian merchants from trading in

the Orenburg and Troitsk fortress; "On levying excise duty on the import of salt Bessarabia, Ebeliyskoy and the other of the Kirghiz steppe by 60 kopecks in banknotes" (Otepova, 2014; Gokalp, 1959; Hunt, 1997). However, tsarist tried to use various other forms and ways to profit from the local population. At the beginning of the XIX century Kazakhs ticket system has been applied for the passage through the line of fortifications.

Despite the fact that the system of tax collection and the various duties at the beginning of the XIX century are not yet fully taken shape, however, their existence is considerably complicated the already difficult situation of the Kazakh people. Notwithstanding the difficult economic situation, the Kazakh poor are forced to sell their children into slavery. Legitimize this situation was in 1757 the king's decree, and in 1808 was adopted a decree "On the extension of the rules on the Establishment of the Kirghiz and Russian nationals to purchase Kyrgyz children across the Siberian line," according to which allowed to buy Kazakh children and persons not of noble origin (Otepova, 2012; Mast, 1974; Orazaev, 1995). On this occasion, one of the Russian bourgeois-liberal magazines wrote: "In 1808, Russian citizens of free states receive from the Russian government the right to buy and barter Kyrgyz children, but on reaching the slaves 25 years of age, they were made free. It was still a liberal law, as to its publication Cossacks, archers and different service people robbed Kirghiz women, children and workers. Some of the women magistrates organized harems, which are then sold off profitable. Prices of living people were relatively low: 7-year-old girl Ostyak cost 20 cents, 25 cents a boy; price for adults ranged from 10 to 20 rubles. Trade Centre was irbit fair (Otepova, 2015; Royce, 1982; Schatz, 2000; Otepova, 2015). This practice of selling children, has found its further confirmation of the decrees of April

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30, 1819 "About exchanged among the Kirghiz, Kalmyk's and other Asians" and on October 8, 1825 "About the time service kaysak Kirghiz, Kalmyk's and other Asians acquired menoy up 1808 and for the future banning of people to acquire this kind of menoy and Sell» (Otepova, 2015; Schermerhorn, 1970; Van den Berghe, 1981). According to the latter document, the children sold into slavery before the law, freedom is not obtained, and the acquisition of new children remains banned. Every year, at least consolidate their position in Kazakhstan; the tsarist government is introducing new forms of taxes and duties. August 12, 1820 approved the fee for the Kazakhs, hires workers to residents of Orenburg border line. The amount of money collected for the issuance of tickets and growing every year. In total, the collection of money for the tickets issued by the wage worker from 1820 to 1837 amounted to 537 032 p. 94 k. (Otepova, 2015).

2. Methods

The study used methods: historical-genetic method, the historical-comparative method, historical and typological method, historical and systematic method, diachronic analysis method, historical periodization, retrospective method, the method of class analysis, quantitative (mathematical) methods; social and psychological methods; linguistic methods; methods of semiotics; art analysis method, scientific methods and special methods of the humanities. In work we relied on general-theoretical researches in philosophy, psychology, geography, ethnology, cultural science, history, ethnography, ethnopsychology and other sciences. Specifics of research are based on various historical, geographical, ethnological, culturological methods, including modeling, system, comparative-historical, ethnopsychological, structural-semantic, ethnocultural, complex, structurally functional, and also integration and acculturation.

3. Main part

Administrative and legal reforms 20-ies of the XIX century have identified not only a new form of management of Kazakh zhuzami, but also systematized the Kazakh population of the tax system by installing various types of taxes and tax. In chapter 4 "Instructions hardware" statute in 1822, has a special section "Fees and duties", which refers to the fees, which are either mandatory or voluntary for Kazakhs (Otepova, 2015). These fees and duties collected from the local population for the different needs of counties and townships, as well as the needs of the Empire. To encourage the transition to a settled way of life of the Kazakh population in 1827 tsarist authorities passed a special decree "On the release of foreigners settled in Western and Eastern Siberia from all tributaries and other charges" (Otepova, 2015; Vessuri, 2002; Zakharov, 2004).

In connection with the growth of the national liberation movement of the Kazakh people,

dissatisfied with the discovery of districts, taking away land, infringement of rights, an increase in the various levies and duties, the tsarist government was forced to make some concessions. In May 1831 approved the position of the Siberian Committee "On the procedure of levying tribute from the Siberian Kirghiz in Karkaralinsk and Kokchetav districts" (Otepova and Ilyassova, 2014). It provides answers to questions relating to the collection of tribute from the local population, and defined benefits to pay tribute. The document says that exempt from paying tribute sultans governing districts, Serbia and all the nobles Kazakhs in the service of the tsarist system. According to this Statute Kazakhs were allowed to pay tribute in the form of money.

In 1837, the royal government has introduced in the Junior Zhuz permanent file, the so-called kibitochny collection, which had to pay all Kazakhs. Size kibitochny tax amounted to 1 rub; 50 cents a tent. Kibitochny tax has not been differentiated, poor Kyrgyz paid on a par with the rich. As pointed out by E. Bekmahanov by far incomplete estimates the Orenburg Boundary Commission, from 1837 to 1846 only in the Turgay region was collected kibitochny collection in the amount of 572,344 silver rubles. During the period from 1837 to 1844, the number of wagons, pay taxes, has risen from 25 th. To 59 th. Wagons (Bekmahanov, 1992).

Reform 60-ies of the XIX century, finally approved the main types of taxes and duties collected from the Kazakh population. The situation in 1867 has increased the fee for the Kazakhs kibitochny Semirechensk and Syrdarya regions to 2 rubles 75 cents with tents (Otepova, 2014). Regulation "On the control of Akmola, Semipalatinsk, Turgay and Ural region" has kept the main taxes, fees, duties and land that have been applied to other areas. However, Kazakhs Orenburg and Siberian departments installed kibitochny collection of 3 rubles in tents year (Otepova, 2012). According to the highest approved opinion of the State Council, in 1886 kibitochny collection increased to 4 rubles. Apart from these types of taxes in the duty of the settled and nomadic population included: "the content of local government officials, ... fix irrigation ditch bridge, climbs and descents on the post road show during the summer migrations tents for patients, the withdrawal of tents and shipping fuel seconded on official business in the villages officials " (Otepova, 2015).

Taxation is constantly in the spotlight of the tsarist government. This fact is confirmed by the following statutes: "On obrok levying taxes in the steppe region on the basis of the provisions on the management of steppe areas" of January 28, 1892.; "On approval Zemsky estimates and layouts in the steppe areas in the 1893" of 1 March 1893; "On estimates and layout Zemsky duties of Turkestan to 1894. "Dated March 21, 1894; "On establishing for the triennium from 1895 to 1897. inclusive salary obrok taxes from rural communities in the areas of Akmola and Semipalatinsk, Semirechensk, Ural and Turgay" of January 16, 1895; "About introduction in

urban areas of the Syr Darya, Ferghana and Samarkand regions of the state property tax in cities and towns have planted" on February 14, 1905; "On the salaries of state obrok tribute from the lands of the settled population of Akmola, Semipalatinsk, Uralsk and Turgay regions" of 6 June 1905 (Otepova, 2015). The natural form of tax was gradually replaced its monetary form, the number of which increased continuously. The reforms of the second half of the XIX century and finally completed a legislated system of Russian taxation in Kazakhstan. From the analysis of the sources it is clear that all the legislative documents of the Russian Empire, associated with the introduction of the Russian tax system, were designed to study and strengthen the position of the tsarist government in the territory of Kazakhstan.

4. Discussion

One of the most important areas of policy of the autocracy was to change the existing justice system in the province. For a half century the tsarist government tried to unify the existing judicial system in Kazakhstan, making it similar to the nationwide. At the end of the XVIII century it was made the first attempt to introduce a new control system and legal proceedings on the basis of the general laws of the Russian Empire. In 1784 it is published nominal decree "On measures for taming s willful Kirghiz kaysak" (Otepova, 2015). This decree stated that it is necessary to establish border court proceedings in Orenburg for cases arising both among Russian, and among the Kazakhs. Such a court was opened in 1786 in addressing all cases the court had the duty to act on the basis of Russian laws; according to the Senate's decree "On opening the border ships in the fortresses such a court has been opened on the territory of the Middle Juz. But the attempt to introduce in the Kazakh steppe Court, subordinate authorities and Russian-based empire-wide laws in the late XVIII century was not a success.

Recent attempts to introduce the judicial system have been taken at the beginning of the XIX century. In 1822, approved by His Majesty the statute "On the Siberian Kirghiz", Kazakh Middle Juz joined the Omsk region. The reform also affected the judicial system; the main task in this matter was to be extended to Kazakhstan Russian national laws. Despite resistance from the local population, the tsarist government is gradually on the territory of Kazakhstan; I introduced the Russian judicial system and carried out the policy of subordination of all living in the area all-Russian law. This policy confirmed by the following decrees: "On the extension of the general laws of the empire, on penalties for unjust denunciations and false during the investigation evidence", "On the order of investigative cases of civil authorities the people living in the steppe fortifications of the Orenburg region", "relatively common in the Siberian Kirghiz the general laws of the Empire", "on transfer Kyrgyz military court Minor hordes, found guilty of an attack

on our mail, military transports and merchant caravans" (Otepova, 2015).

In 1845 it was issued the Regulation "On the penalties of criminal and prison", which determined the jurisdiction of the Kazakhs, differ in the administrative division of the territory inhabited by them (Otepova, 2015). Siberian Kirghiz, as stated in the Code, are judged at all by their own laws and customs. However, for treason, murder, robbery, and barymtu clear disobedience to the authorities, they are subject to punishment under the general laws of the empire. Kyrgyz Orenburg region in cases of treason, murder, robbery, barymte, capture and Russian sentiment against the government were to be judged by a military court. General Court of the laws of the empire, they were subject for theft, theft, fraud amounting to more than 30 rubles, the violence and the crossing of the line. For all other offenses were judged by their Kyrgyz folk customs. People's Court was given the right to determine the following penalties: a return under supervision; detention; compensation for damages; public temporary work; corporal punishment of flogging. The most important cases were allowed to give to the soldiers or to exile to Siberia. It is noteworthy that, living in different areas of the same crimes Kazakhs were exposed to various punishments: either by national or by the laws of empire-wide, or a military court. In western Kazakhstan there was a border control system, judicial functions were concentrated in the hands of various authorities from the chief of the village to the Governor-General.

By the middle of the XIX century, the proceedings were different within each of the Kazakh Horde; there was no uniform system, for the same crimes Kazakhs different zhuzes subjected to various punishments either by national or by empire-wide laws. This Lobysevich F. writes: "The Trial of the Kirghiz extremely difficult. They are judged by a court military court on the basis of the general laws of the empire and the national court (mainly on mutual claims and litigation at any amount)" (Otepova, 2015). Naturally, such a difference in accountability to the law led to many difficulties and confusion. This led to various clashes with the local authorities, the Kazakhs among themselves and Cossacks. In fact, there was a struggle between two power structures and ships in this period: the traditional and the new, which postponed a definite imprint on the socio-political life of the Kazakh society.

Reforms 1867-1868 period, contributed to the further spread of empire-wide judicial system and empire-wide legislation. These reforms introduced a new complex judicial system, which was different for the Russian, Kazakh and Cossack population. In addition, judicial functions in the Region had the administrative and management personnel. Trial of the Turkestan province was divided between the various bodies: military ship commissions, the regional board, the county courts, district chiefs and people's courts biys. Accordingly, the Regulation "On management of Akmola, Semipalatinsk, Turgay and

Ural regions," the judicial part in these areas has been organized with a few changes, in contrast to the southern regions. According to the Regulation "On the management of Turkestan", the whole court of the Territory passed to the Ministry of Justice of the Russian Empire (Otepova, 2015). In the areas of regional courts have been established, and in the counties of magistrates and their assistants. Regional courts consider and resolve litigation and claims in excess of 2,000 rubles. All other cases were subject to an analysis of magistrates in the counties. Also, the magistrate had the right to consider the case on the request of the plaintiff under the jurisdiction of the national court. In regional courts were investigating judges and the regional prosecutor. Despite the attempt to separate the judiciary from the administrative function, the highest power is still concentrated in the hands of the governors-general. According to the new position and increase the responsibility of the Kazakh population under the general laws of the empire. The new position of the newly established difference in the judicial system, in order of proceedings and even the responsibility before the law for the same offense in different regions of Kazakhstan. In 1897, the Ministry of Justice considered the draft judicial reform in the Steppe and Turkestan province. Only a year later, June 2, 1898 was approved opinion of the State Council "On the Structure of the judiciary in Turkestan and the steppe regions", which introduced in these regions in 1864 the basic principles of the Russian judicial reform.

5. Conclusions

Organization of the new justice system, based on the national law allowing the tsarist authorities commonly perform administrative, police and judicial functions in the territory of Kazakhstan. Despite the attempt to unify the judicial system in Kazakhstan, making it similar to the all-Russian, it remains cumbersome and complex, it is closely intertwined the Russian judicial system, the rules of customary law of the Kazakh and Sharia.

Thus, the originality of this study lies in the fact that unlike Orazaev works, FM, (1995), Otepova and Ilyassova (2014), Schermerhorn, (1970), Bekmahanov, (1992), Borsukbayeva, (2009), our legal materials, allow us to trace the tsarist government policy dynamics, helping to understand its true plans. The study and analysis of legislative materials indicate by what means, how and why, carried out the colonization of the region, reveal the true extent of the enslavement of the Kazakh region.

References

- Abylhozhin J., (1997). Sketches of the history of Kazakhstan. - Almaty: Gylym. - 383 p.
- Akatay S., (1998). National mentality of the Kazakhs. - Almaty: KazMOGZI. - 212 p.
- Bekmahanov, E., (1992). Kazakhstan in 20-40 years. XIX century. Almaty: Kazakh University, 1: 398.
- Borsukbayeva, A., (2009). Russian colonization of Kazakhstan in the historiographical interpretations of the political situation in Central Asia in the XVII-XIX centuries. // Kazakh civilization. 4 (36):14-21.
- Gokalp, Z., (1959). Turkish Nationalism and Western Civilization. New York: Columbia University Press, 1: 47.
- Hunt, G., (1997). Moral crisis, professionals and ethical education. Journal Nursing ethics, 1(4): 29-38.
- Mast, R., (1974). Ethnicity and National Building. In: Wendel B. and Freeman W. (eds.). Ethnicity and National Building, 1: 65.
- Orazaev, F.M., (1995). Imperial colonization in Kazakhstan. According to the materials Russian periodicals of the XIX century. Comp. F.M. Orazaev. Almaty: Rauan, 1: 368.
- Otepova, G., (2014). The history in the legislative sources of the Russian Empire in the XVIII-the early XX century. Life Science Journal, 11 (9s): 96-101.
- Otepova, G., Ilyassova A., (2014). Legislation of the Russian Empire on the taxation system in Kazakhstan in the XVIII-XIX centuries. Life Science Journal, 11 (9s): 102-110.
- Otepova, G.E., (2012). Chronological index of legislative acts of the Russian Empire on the history of Kazakhstan XVIII-early XX century. Tutorial. - Pavlodar: PSPI, 1: 161.
- Otepova, G.E., (2015). Legislative Acts of the Russian empire in the history of Kazakhstan (XIX c.). Coll. documents. Part 1. Ed. G.E. Otepova - Pavlodar: PSPI, 1: 344.
- Otepova, G.E., (2015). Legislative Acts of the Russian empire in the history of Kazakhstan (XIX c.). Coll. documents. Part2. Ed. G.E. Otepova - Pavlodar: PSPI, 1: 300.
- Otepova, G.E., (2015). Legislative Acts of the Russian empire in the history of Kazakhstan (XIX c.). Coll. documents. Part 3.Ed. G.E. Otepova - Pavlodar: PSPI, 1: 284.
- Royce, A. P., (1982). Ethnic Identity: Strategies of Diversity. Bloomington. Indiana University Press, 1: 33.
- Schatz, Edward, (2000). The Politics of Multiple Identities: Lineage and Ethnicity in Kazakhstan. Europe-Asia studies, 52 (3): 489-506.
- Schermerhorn, R. A., (1970). Comparative Ethnic Relations: A Framework for Theory. New York: Random House, 1: 85.

Van den Berghe, P. L., (1981). The Ethnic Phenomenon. New York, Oxford: Elsevier, pp: 254 - 255.

Vessuri, H., (2002). Ethical challenges for the social sciences on the threshold of the 21ST century. *Journal Current Sociology*, 1(50):135-150.

Zakharov, A., (2004). Traditional culture in the contemporary society. *Sociological Sciences*, 7 (243): 105-115.