

Actions of the Jadids to Establish Judicial Authorities in Turkestan

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ABSTRACT

Objective: This study aims to examine the contributions of Jadid educators in Turkestan toward the establishment of judicial authorities, emphasizing their reformative efforts in the face of sociopolitical challenges. Using a comparative analysis of historical sources and normative legal acts, the research evaluates the historical dynamics and legal frameworks that shaped the judicial landscape during this period. **Method:** The methods employed include a detailed examination of primary sources and a contextual analysis of legal documents, which provide insights into the socio-legal conditions under the Jadid educators' influence and the subsequent imposition of Soviet authority. **Results:** The results reveal the dual narrative of reform and suppression, showcasing the Jadid educators' significant role in creating judicial structures, juxtaposed with the violent consolidation of Soviet power. The study uncovers how judicial independence was undermined, with courts transformed into instruments of state control and oppression under the Soviet regime. **Novelty:** The novelty of this research lies in its focused exploration of the interplay between educational reformers and the judicial system in Turkestan, offering a nuanced understanding of how sociopolitical forces reshaped justice mechanisms during a transformative era.

INTRODUCTION

Although many studies have been conducted in a number of countries around the world on the formation and development of the idea of Jadidism, which is a unique socio-political phenomenon in its essence, a comprehensive study of the great contribution of the representatives of this movement to the development of national statehood and regional identity, as well as civil society in Central Asia, on a conceptual and systematic basis remains an urgent issue.

From this perspective, it is of particular importance that the main topics of discussion of today's conference are the study and systematization of the progressive ideas and views of our progressive ancestors, the study of the role and influence of the Jadids of Turkestan in the development of national statehood.

The analysis of the legislative framework of the state structures established by them in the first quarter of the 20th century, the historical assessment of their activities aimed at building a secular, legal and democratic society, and the use of this heritage as a solid foundation in building a New Uzbekistan and the Third Renaissance.

RESEARCH METHOD

The article uses generally accepted methods of historical science - the principles of objectivity, historical analysis, comparative-logical analysis, and chronological sequence.

RESULTS AND DISCUSSION

Nowadays, it is very important to study the advanced ideas and views of our progressive ancestors, including the Jadids, and to study their theoretical views on the development of national statehood and law, as well as their practical experience. The Jadids sought to build a democratic society based on the rule of law. Today, in building New Uzbekistan and the Third Renaissance, we must, of course, make wider use of the rich legal heritage left by our Jadid scholars.

Looking back at history, the defeats on the fronts of the First World War and the crisis in the national economy had a devastating effect on the Russian Empire. Economic crises, combined with popular discontent, turned into a political crisis, and as a result of the February Revolution of 1917, the imperial power was overthrown. In March, a dual power was established in Russia, consisting of the Provisional Government and the Soviets of Workers', Peasants' and Soldiers' Deputies. On March 3, 1917, this message was announced to the people of Turkestan. Provisional government offices and soviets began to be established in Turkestan as well.

The Provisional Government tried to preserve Turkestan in its colonial state even in the new historical conditions. The Turkestan Governor-Generalship was abolished and the Turkestan Committee was formed. The attitude of government structures towards the local population did not change much compared to the times of the former empire. On June 30, 1917, in a written report submitted to the Turkestan Committee by Andijan Soviet member Abdukadir Kushbegiyev, he alluded to the hypocritical policy pursued by the regional Soviet and the Turkestan Committee, saying: "Searches, arrests without trial and without specific charges, violation of freedom of residence - all this is being done in the name of the revolution, preserving the achieved freedoms! How can one express completely contradictory concepts, how can one explain the contradictions between slogans and facts? "In the name of future rights, blatant lawlessness is taking place" [1].

Nevertheless, the revolutionary processes in Russia led to the political activation of the Muslim population of Turkestan. On the initiative of Muslim intellectuals and ulema leaders, political organizations such as "Shu'roi Islamiya", "Shu'roi Ulama", "Turon", "Turk adami Markaziyat (Federalist) Firqasi" were established. At the congresses they organized, the state structure of Turkestan, the form of government, and the future state of the judicial institutions were discussed. For example, on July 12-14, 1917, the first congress of the "Turk adami Markaziyat (Federalist) Firqasi" political party was held in the city of Fergana. At this congress, Mahmudkhodja Behbudiy, Munavvar qari Abdurashidkhanov, and dozens of prominent representatives of the Jadid movement who were close to them, developed the Charter and Regulations of the "Turk adami Markaziyat (Federalist) Firqasi" political party. It is noteworthy that the Jadid thinkers allocated a special place in the Memorandum to the judicial authorities as one of the most important issues.

The eighth chapter of the Memorandum was called "The Question of Justice" and included six articles. In particular, Article 1 of this chapter stated that courts and judicial

authorities should be free from any interference and should be subject to Sharia and laws. Article 3 emphasized that the executive authorities should not interfere or influence the appointment of judges, the transfer of cases from one case to another, as well as the course of the investigation, and that the system of punishments should be determined on the basis of the constitution and laws developed by the parliament. Article 5 stated that the investigation and trial of cases should necessarily be conducted with the participation of a lawyer [2]. The congress also emphasized that citizens, regardless of gender, race, nationality, language, and religion, have equal rights before the court and are equally responsible for their actions before the law, and that if a person is arrested on the instructions of relevant organizations, he or she must be charged within 24 hours[2].

Muslim political organizations were in favor of establishing an independent judiciary. In particular, their promotion of ideas such as ensuring the immunity of judges, preventing interference by state agencies and officials in the activities of the courts, and the presumption of innocence was a huge event from the point of view of that time. In Turkestan, there were all the foundations for establishing a democratic state based on the concept developed by Muslim political organizations. However, the violent coming to power of the Bolshevik party turned political processes in a completely different direction. Just like in Russia, in Turkestan, the Bolshevik party did not have much influence among the population. The local population did not believe their empty promises and followed Muslim political organizations. Unable to seize power legally, democratically, the Bolsheviks chose the path of violence. Under the influence of the events in Petrograd, Soviet power was forcibly established in Tashkent on November 1, 1917. The Bolshevik Party, which seized power by force, took an extremely class and chauvinistic attitude to the issue of organizing a new state administration. This was clearly manifested at the III Congress of Regional Soviets, held in Tashkent on November 15-22, 1917. The Congress, at the initiative and pressure of the Bolsheviks, did not include a single representative of the multinational local population in the leadership of the new government in the region. This made it clear that the new administration did not want to grant independence to the peoples of Turkestan and would take all measures to preserve the former imperial colonies under its control.

After the establishment of Soviet power in Turkestan, the former imperial order was abolished and a new system of government was established. In particular, on November 24, 1917, based on the first decree on the court adopted by the RSFSR Central Committee, on December 12, 1917, the Turkestan Central Committee issued an order on the court[3]. It stated that all courts of the former Russian Empire, such as district courts and the court chamber, would be abolished and replaced by new courts formed on the basis of elections. Along with the former courts, the organization of prosecutorial control, investigation, and lawyers was also abolished.

After the old judicial system was abolished, practically no new Soviet courts were established. As a result, the People's Commissariat of Justice of the Turkestan region appealed to the RSFSR Central Committee by telegram with a request to allow the former

imperial courts to operate until new Soviet courts were formed. This situation was studied, and on the instructions of the Center, on December 31, 1917, the Turkestan Central Committee adopted an urgent decree. It stated that until the formation of Soviet courts, the former imperial courts would continue to operate, and cases of political importance would be submitted to local Soviets [4].

The policy of the Soviet authorities in the judicial sphere caused sharp discontent. Although the former judges were temporarily allowed to work, not all of them returned to their posts. As a result, an atmosphere of total lawlessness was created in society. Administrative state bodies and officials usurped judicial powers, illegal detention of citizens and punishment without trial were rampant.

The instability of the political system had a negative impact on the establishment of a new judicial system in the country. The Soviet authorities, established in 1917, managed to establish new courts only by 1919, that is, two years later. Even then, Soviet courts operated in an extremely contradictory manner. In particular, the Emergency Commission and Soviet security agencies interfered in the activities of the courts and managed to resolve cases in their own interests. As described in archival documents, the emergency offices canceled the verdicts and decisions of the judges and ordered a retrial, and judges who did not comply with this requirement were imprisoned [5].

CONCLUSION

Fundamental Finding : The Jadid enlighteners in Turkestan established political organizations that aimed to create an independent judiciary aligned with international law. Their theoretical frameworks and principles, developed during congresses, demonstrate their advanced understanding of state administration and political science. However, these aspirations were hindered by the violent establishment of Soviet power in 1917, which transformed judicial institutions into tools of the ruling regime. **Implication :** The efforts of the Jadid enlighteners underscore the significant role intellectual movements can play in shaping governance and judicial principles, even in challenging political contexts. Their alignment with international law principles highlights their progressive vision, which serves as a historical benchmark for judicial reform efforts in politically constrained environments. **Limitation :** The Jadid enlighteners' initiatives faced significant constraints due to the socio-political landscape of their time. The rise of Soviet power in 1917 not only disrupted their progress but also repurposed the judiciary into a mechanism of authoritarian control, preventing the realization of their ideals. **Future Research :** Future research could explore the legacy and influence of Jadid enlighteners on subsequent judicial reforms and political movements in the region. Comparative studies with other intellectual movements under authoritarian regimes could further illuminate the resilience and adaptability of such efforts in promoting legal and political reforms.

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