

## HISTORY OF KAZAKHSTAN IN THE LEGISLATION OF THE RUSSIAN EMPIRE IN THE 18TH – EARLY 20TH CENTURIES

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**Abstract:** The article examines the history of Kazakhstan in the legislation of the Russian Empire in the 18th – early 20th centuries. A significant group of sources on the history of Kazakhstan of the 18th – early 20th centuries includes legislative documents and documents related to their publication. Legal sources of the Russian Empire contain a wealth of materials that characterize the organization of central and local management departments in Kazakhstan, functions and powers of the government, legal procedures, tax system, administrative division, reveal the essence and principles of the policy of autocracy in relation to the Kazakh population, show the relationship between tsarist officials and the local nobility, etc. The study and analysis of legal materials of the Russian Empire on the history of Kazakhstan reveal the policy of tsarist autocracy aimed at expanding the territories, the seizure of new colonies, markets. Legislative documents of the Russian Empire of the 18th – early 20th centuries on the history of Kazakhstan will complement the content of standard and educational programs on the history of Kazakhstan.

**Keywords:** History of Kazakhstan, legislation of the Russian Empire, tsarist government, legislative documents.

### INTRODUCTION

Legislative documents of the Russian Empire should be related to the group of sources on the history of Kazakhstan of the 18th – early 20th centuries. Legal sources of the Russian Empire of the 18th – early 20th centuries contain a wealth of materials that characterize the organization of central and local management departments in Kazakhstan, functions and powers of the government, legal procedures, tax system, administrative division, reveal the essence and principles of the policy of autocracy in relation to the Kazakh population, show the relationship between tsarist officials and the local nobility (Otepova, 2012; Abylhozhin, 1997). The policy of tsarist autocracy aimed at expanding its territories, the seizure of new colonies, markets, and the political line of the Russian state carried out in accordance with it, have led to the adoption, introduction and execution of tsarist legal acts in Kazakhstan in the 18th – early 20th centuries.

For many years of work, a wealth of factual material, more than 2,000 legislative documents, regulating the life of the Kazakh society in the Russian Empire, has been collected. This has allowed to organize and classify these sources, to supplement their publication with new texts.

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In this article, texts of legal acts published in various official journals of the tsarist government, documents found in the historical archives of Russia and Kazakhstan, the sources used in the works and monographs of Western, Russian and Kazakh scientists, who worked on this topic, have been used (Cummings, 2002; Demko, 1997; Hiro, 1994; Martin, 2000; Edwards, 1993; Millward, 2007; Olcott, 2002; Otepova, 2015; Robbins, 2007; Rumyantsev, 1909; Schatz, 2000). 2,089 legislative sources have been examined: 1,731 documents were found in the Complete Collection of Laws of the Russian Empire (CCL RI), 87 documents – in archives and 271 documents – in other sources. When identifying the controversial issues on the date or title of a document, we were guided by the data of CCL RI, as it is an official document of the tsarist government.

An overall review of the legislative acts of the Russian Empire on the history of Kazakhstan shows that the following legislative materials were the most often published: Instructions and Charters (1731) on the receipt by the Kazakhs of the Russian citizenship; the Charter given to Khan Nuraly in 1749; Statutes of 1822-24; Senate Decree “On the Observance of General Laws of the Empire by the Siberian Kirghiz”; regulations of 1867-68; Regulation “On the Control of the Turkestan Region”; Steppe Regulation (1891). Some of the documents have been published in some periodicals and the rest of legislative sources were mainly used either selectively or in extracts, or only their titles are mentioned. Many legislative documents are used by many researchers, without even mentioning their full titles and references to the source. Titles, dates of many laws are distorted, which is also confusing when working with them and in their further use. In this regard, much has been done and 54 legislative documents have been corrected in total. It should be noted that the materials of the Complete Collection of Laws of the Russian Empire (CCL RI) and other official legal sources were also mainly published and used in a fragmentary and unsystematic way, without specifying the source data. Until recently, this publication was considered primarily as a source for the study of the Russian history. However, the study has shown that this work also contains a large number of legislative documents on the history of Kazakhstan and it is an essential source for further study.

The systematization of 1,347 documents is a summary result of the work of many years (Otepova, 2012), where 3 parts have been specified: Part 1 includes documents from 1800 to 1859 inclusive; Part 2 – from 1860 to 1885, Part 3 – from 1886 to 1899. Legislative documents are arranged in chronological order, making it easier to find and work with them. The author made up a vocabulary of obsolete and foreign words used in the texts of the 19th century and placed it at the end of the collection. This will help readers understand and catch on the texts of legislative sources. The collection contains some scientific information, data on

the tsarist government institutions, administrative-territorial imperial units, which are mentioned in the texts of the documents. This work represents the first attempt of a comprehensive publication of the legislation of the Russian Empire on the history of Kazakhstan in the 19th century (Otepova, 2012).

Thus, the aim of our research is to study and analyze the content of the legislation of the Russian Empire on the history of Kazakhstan in the 18th – early 20th centuries.

## **METHODS**

In the study of the history of Kazakhstan in the legislation of the Russian Empire in the 18th – early 20th centuries, the following methods have been used: a historical-genetic method, a historical-comparative method, a historical-typological method, a historical-systematic method, diachronic analysis, historical periodization, a retrospective method, a method of class analysis, quantitative (mathematical) methods; social and psychological methods; linguistic methods; methods of semiotics; art analysis, general scientific methods and special methods of other humanities. The following methods have been used for the study and research of certain legislative acts on the history of Kazakhstan in the legislation of the Russian Empire in the 18th – early 20th centuries:

1. A chronological method involves the statement of events of the history of Kazakhstan in strictly chronological order.
2. A chronological-problematic method involves the study and research of the history of Kazakhstan by periods (epochs), within periods – by issues.
3. A problematic-chronological method involves the study of one side of life and activity of the state in its gradual development.
4. A synchronic method can be used to establish a connection between separate phenomena and processes on the history of Kazakhstan, taking place at the same time, but in different parts of the country or abroad.

## **RESULTS**

In the course of research, the authors' recommendations on the study of the legislative sources have been developed, their role and significance have been disclosed, general and subspecific classification of legislative documents has been conducted. As a result, tables have been drawn up on the following parameters: the main types of laws, chronology, social and thematic directions that help to clearly analyze and understand the essence of the official legislation of the Empire in the territory of Kazakhstan.

This article contains some of the tables and findings of the analysis of legal sources. Table 1 specifies the number of different types of legal acts of the Russian Empire in chronological order (18th, 19th, early 20th centuries) taken in relation

to Kazakhstan. In the period of the 18th century edicts, senate decrees, supreme approved decrees of the Ministry of Foreign Affairs and the Military Collegium were the most common type of legislative acts in Russia. Certainly, the greatest number of legislative acts was published in the 19th century. There were 1,313 legislative documents in total. This period is characterized by the publication of different types of legislative acts, starting with the edicts and ending with the approved and endorsed laws. Such official bodies as the State Council, the Committee of Ministers, the Council of Ministers, the Siberian Committee played a major role in determining the legislation of this period. Thus, regulations and opinions approved by these bodies were the most common types of legislative acts in this period. During the 18th – early 20th centuries, under the influence of changes in the state bodies of the Russian Empire, types of legislative documents were gradually changed and improved. Certainly, these changes have imposed a certain effect on the adoption of certain types of legislative acts relating to the management of Kazakhstan (Otepova, 2012; Bekmakhanov, 1992; Borsukbayeva, 2009; Orazzaev, 1995; Otepova, & Ilyassova, 2014; Royce, 1982).

**TABLE 1: SPECIFICATION OF LEGISLATIVE DOCUMENTS IN CHRONOLOGICAL ORDER**

<i>Type of documents</i>	<i>18th century</i>	<i>19th century</i>	<i>Early 20th century</i>	<i>In total</i>
Edicts	95	212	60	367
Senate Decrees	70	97	2	169
Instructions	6	2		8
Charters	43	3		46
Statues or regulations	1	9	2	12
Rescripts	8	5		13
Approved Decrees of the Ministry of Foreign Affairs	68			68
Approved Decrees of the Military Collegium	20			20
Approved reports	11	8		19
Rules		10	10	20
Regulations		27	1	28
Approved Regulations of the Military Council		128	71	199
Approved Regulations of the Siberian Committee		142		142

<i>Type of documents</i>	<i>18th century</i>	<i>19th century</i>	<i>Early 20th century</i>	<i>In total</i>
Approved Opinions of the State Council		386	95	481
Approved Regulations of the Committee of Ministers		206	28	234
Approved Regulations of the Council of Ministers			29	29
Approved and endorsed laws			96	96
Supreme orders		48	27	75
Supreme Approved Regulations of the Siberian Railway Committee		8	9	17
Other types of documents not included in the list	22	22	2	46
IN TOTAL	344	1,313	432	2,089

The largest number of legislative acts used in the study was taken from the Complete Collection of Laws of the Russian Empire, so the following Table 2 shows the grouping of legislative documents by types and number by volumes of all three editions. Table 2 shows that materials on the history of Kazakhstan can be found almost in all the volumes of CCL RI. The first document on the history of Kazakhstan dates back to 1714 and the last one dates back to 1914. In total, 1,731 documents of the period under study on the history of Kazakhstan were taken from CCL RI. These data allow considering this collection as one of the main sources of legislative documents on the topic, although until recently this publication was primarily viewed as a source for the study of the Russian history. Table 2 shows that the largest number of legislative acts (789) has been found in the second edition of CCL RI. This is due to the fact that this publication covers a chronologically long period, almost all the 19th century, full of crucial events and facts related to the history of Kazakhstan. The comparative analysis revealed that not all the legislative acts adopted in respect of Kazakhstan were included in CCL RI. Particularly with regard to secret tsarist decrees of the Ministry of Foreign Affairs and the Military Collegium related to the conflict resolution with the Kazakhs in the initial period of accession of Kazakhstan to Russia, land and social relations. None of 68 decrees of the Ministry of Foreign Affairs were included in CCL RI, as well as 20 decrees of the Military Collegium. This table confirms the idea that legislative acts reviewed and approved by government bodies, *i.e.* those that reflected the official policy of tsarist autocracy were the most published. The same legal documents concerning confidential political issues were not published in CCL RI, they can be found only in the archives classified as 'confidential'.

**TABLE 2: QUANTITATIVE DATA OF THE MAIN TYPES OF LEGISLATIVE ACTS PUBLISHED IN THE COMPLETE COLLECTION OF LAWS OF THE RUSSIAN EMPIRE (CCL RI)**

<i>Type of documents</i>	<i>CCL RI-1</i>	<i>CCL RI-2</i>	<i>CCL RI-3</i>	<i>In total</i>
Edicts	68	171	62	301
Senate Decrees	41	62		103
Instructions and rescripts	4	1		5
Charters	6			6
Statues or regulations	3	6	3	12
Approved reports	15		4	19
Rules	1	3	10	14
Regulations		17	8	25
Approved Regulations of the Military Council		80	117	197
Approved Regulations of the Siberian Committee		138		138
Approved Opinions of the State Council	4	131	312	447
Approved Regulations of the Committee of Ministers	7	159	62	228
Approved Regulations of the Council of Ministers			29	29
Approved and endorsed laws			89	89
Supreme Approved Regulations of the Siberian Railway Committee			17	17
Supreme orders		1	71	72
Other types of legislation	7	20	2	29
IN TOTAL	156	789	786	1,731

## DISCUSSION

A subject-thematic approach to the analysis of legislative acts allows determining the composition of legislative acts relating to the history of Kazakhstan. Table 3 provided below is compiled on subject-thematic grounds, *i.e.* it shows the number of legislative acts relating to the history of Kazakhstan by the main directions of the tsarist government. In the initial period of accession of Kazakhstan, the imperial government paid attention to the political issues, *i.e.* to the issues of the settlement of relations with the Kazakh nobility, the attraction of its members to the Russian

side, the receipt of Russian citizenship by various Kazakh tribes and clans. More than 150 legislative documents were dedicated to this issue. Besides, during that period there was much concern about the settlement of conflicts between Kazakhs and other peoples in Russia, as well as with the Cossacks. The analysis of legislative documents adopted by the tsarist government showed that 86 documents were dedicated to these issues and only 11 of them were published in CCL RI. In the early 20th century, in connection with the reforms introduced in Russia, there were many legislative documents of a political nature relating to the elections to the State Duma (but many of these documents were not officially published).

**TABLE 3: SPECIFICATION OF LEGISLATIVE ACTS BY THE MAIN DIRECTIONS OF ACTIVITY OF THE TSARIST GOVERNMENT**

<i>Main directions of activity of the tsarist government</i>	<i>Total number of legislative acts adopted</i>	<i>Documents published in CCL RI</i>
Political issues	156	50
Issues of conflict resolution between Kazakhs and neighboring nations	86	11
The administrative-territorial structure of Kazakhstan	98	87
The introduction of the Russian judicial system	285	238
The introduction and development of the tax system	237	204
The development of new sources of raw materials and product sales, the development of commodity-money relations	134	92
Resolution of an agrarian issue and resettlement policy	141	70
Public education and intellectual development	203	175
Other issues	749	673

According to Table 3, the tsarist government paid major attention to the issues of introduction of the Russian judicial system in Kazakhstan. A total of 285 legislative documents have contributed to the strengthening of the position of the Russian government on the territory of Kazakhstan and played a major role in the dissemination and implementation of the colonial policy on this territory. New laws formed a legal framework for the spread of the Russian power; they later began to define and regulate relations in the Kazakh society and the success of the rest of innovations in Kazakhstan was dependent on them.

The issues of introduction of the Russian tax system in the territory of Kazakhstan took the second place after the most often resolved. This is due to the fact that all the colonial policy of autocracy was founded to profit from the new territories. 237 documents were adopted upon this issue. The tax system developed by the Russian legislation allowed plundering the Kazakh land by exploiting the Kazakh people. The tsarist autocracy did not spend any finances on the development of the region, but it also gained huge profits from its exploitation.

An issue of the development of new territories, the development of various fields of natural resources of the Kazakh region was one of the most important for the tsarist authorities. This issue is reflected in 134 legislative documents. These legislative materials support the idea that from the first days of accession Russia considered Kazakhstan as a source of raw materials and a market for own industry, *i.e.* as a colony to gain the maximum profit for developing trade and market relations in Russia.

The tsarist government had to legitimate such facts as the tsarist regime in the territory of Kazakhstan, capture and withdrawal of the Kazakh land. This has contributed to the adoption of 141 laws, which regulated land and resettlement issues in the territory of the region accessed. However, all legislative acts in this regard were taken in the interests of the imperial government; that is why they were classified as “confidential”. Since the middle of the 19th century, the land issue was considered in the tsarist documents only in connection with the beginning of resettlement. Therefore, the land policy of the tsarist government in relation to the Kazakh land was not adequately reflected in officially published legal acts. Basically, legislative materials on the land issue can be found in archival collections marked as “confidential”.

The issue of the administrative-territorial structure of Kazakhstan was very difficult and time-consuming, since the process of accession of Kazakhstan to Russia was contradictory and ambiguous. 98 legislative documents, many of which are very voluminous in content (regulations, statutes) contributed to changes in the administrative-territorial structure of Kazakhstan. In general, administrative-territorial reforms have contributed to the legal justification of the introduction of the Russian management system and its eventual transformation into the colonial border land.

More than 200 legal documents are devoted to the problems of public education and intellectual development in Kazakhstan, but all of them were aimed at the dissemination and development of the Russian language, Orthodox Christianity in the Kazakh society. These issues were especially actively considered in the Empire in the 19th century, in connection with the military, economic and legal subordination of Kazakhstan. On the basis of the legislative materials, the development of the following tendency is clearly traced: from the recognition and support of Islam in the

initial period of accession to its prosecution and the total eradication in the late 19th – early 20th centuries. The tsarist government made great attempts on the spread of the Russian language in education, destruction of Muslim schools, persecution and replacement of Islam with Christianity in the territory of Kazakhstan. Legislative materials confirm that the tsarist government did everything to dissolve the Kazakh society in a general imperial mass, to deprive it of the national consciousness and then the independent nationality.

If we compare the quantitative data of legislative acts adopted by the tsarist government and those data that have been published in CCL RI, it immediately becomes clear that not all documents have been included in this publication. The problems and issues affecting the foundations of autocracy, the interests of the ruling circles for political reasons were almost not considered and not published in the official publications. It should be noted that there is a small number of legislative acts addressing the issues of the settlement of military conflicts between the Kazakhs and the border population, issues of the settlement of land relations were published in the Complete Collection of Laws of the Russian Empire. It also confirms the fact that these documents were confidential in nature, confirming the colonial orientation of the laws. However, a sufficient number (673) of documents considering minor problems that could be solved by local administrative authorities were published in CCL RI. This confirms the fact that the tsarist legislation controlled and regulated all aspects of life of the Kazakh society. Such issues as the social development of the Kazakh society, the seizure of land, the Kazakh people's struggle against the tsarist regime were almost not reflected in the tsarist legislation.

In general, Table 3 shows that the tsarist government was focused on the issues of the political (the receipt of the Russian citizenship by different classes of the Kazakh society in the initial period of accession, corruption and promotion of the Kazakh nobility), legal (spread of general Russian legislation) and economic (development of deposits of natural resources, strengthening of the tax system) subordination of Kazakhstan. The political, economic, and legal subordination of Kazakhstan was carried out through the adoption of relevant legislative acts, i.e. there was a legal framework for all the innovations of the Empire, semblance of legality of all the activities was maintained.

## **CONCLUSION**

As a result of the study, a scientific problem of the justification and analysis of the content of the legislation of the Russian Empire in 18th – early 20th centuries on the history of Kazakhstan has been examined. Legislative acts of the Russian Empire are the most valuable sources for the study of the socio-economic, socio-political history of Kazakhstan of the 18th – early 20th centuries. Legislative acts in respect of Kazakhstan were adopted by the tsarist government from the first days

of accession of the region and until the end of the monarchy. The tsarist legislation covers all the issues of building, management, control and regulation of relations in Kazakhstan: from the most important to the insignificant ones, interfering with everyday and private life of the Kazakh society. Legislation materials allow tracing the tsarist government policy in the development; help to understand its true plans and scale. In combination with other sources, they provide an opportunity to examine and understand a number of problems and issues relating to the history of Kazakhstan in the Russian Empire. The analysis of legislative sources allows making an unambiguous conclusion that the Russian legislation reflected the official colonial policy of the tsarist autocracy, which was intended to protect the foundations of the autocratic system, the expansion of areas and the strengthening of the political, military, economic and cultural influence of the Empire on the territory of Kazakhstan.

Legislative materials of the Russian Empire of the 18th – early 20th centuries on the history of Kazakhstan will complement the content of educational programs on the history of Kazakhstan. They are recommended for use in the development of educational standards and model programs of universities on the history of Kazakhstan.

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