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THE CONCEPT OF SOCIO-LEGAL REFORMS IN THE PROGRAMS AND STATUTES OF THE JADIDS

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Abstract
The purpose of the article is to shed light on the practical activities of the Jadids in the early 20th century, aimed at securing political rights for the peoples of Central Asia and improving their social status under the colonial regime. The methodological framework of the study relies on comparative and critical analysis. Within the scope of examining the regional social protection system, the activities of charitable societies, waqfs, disabled homes, and orphanages are analyzed. The study addresses the welfare of the elderly, alongside key types of social assistance: allowances, free meals and medical treatment, housing provision, financial aid, and the construction of social facilities. It identifies the primary categories of those in need, including military personnel, persons with disabilities, the poor, women, widows, orphans, students, and teachers. Special attention is paid to the analysis of public petitions regarding social issues and the condition of hospitals. As a result of the research, conclusions are drawn regarding the specific development of multi-directional social protection systems in the Governorate-General of Turkestan, the Emirate of Bukhara, and the Khanate of Khiva. Furthermore, the study determines the nature of their impact on the population's daily life and the distinct features of their coverage in the periodical press of that era.

Keywords: Jadids, Central Asia, early 20th century, social protection, charitable societies, waqfs, Governorate-General of Turkestan, Emirate of Bukhara, Khanate of Khiva, periodical press

Introduction

КОНЦЕПЦИЯ СОЦИАЛЬНО-ПРАВОВЫХ РЕФОРМ В ПРОГРАММАХ И УСТАВАХ ДЖАДИДОВ

JADIDLAR DASTUR VA NIZOMLARIDA IJTIMOIY-HUQUQIY ISLOHOTLAR KONSEPSIYASI

Аннотация
Цель статьи осветить практическую деятельность джадидов в начале XX века, направленную на обретение народами Средней Азии политических прав и улучшение их социального положения в условиях колониального режима. Методологическую основу исследования составили сравнительный и критический анализ. В рамках изучения региональной системы социальной защиты проанализирована деятельность

благотворительных обществ, вакфов, домов инвалидов и приютов. Рассмотрены вопросы поддержки пожилых людей, а также ключевые виды социальной помощи: пособия, бесплатное питание и лечение, обеспечение жильем, материальная поддержка и строительство социальных объектов. Выявлены основные категории нуждающихся, включая военнослужащих, инвалидов, малоимущих, женщин, вдов, сирот, учащихся и учителей. Отдельное внимание уделено анализу обращений населения по социальным вопросам и состоянию больниц. В результате исследования сделаны выводы о специфике формирования разнонаправленных систем социальной защиты в Туркестанском генерал-губернаторстве, Бухарском эмирате и Хивинском ханстве, а также определен характер их влияния на жизнь населения и особенности их отражения в периодической печати той эпохи.

Annotatsiya
Maqolada XX asr boshida O‘rta Osiyo xalqlarining mustamlaka hukumati davrida o‘z siyosiy huquqlariga ega bo‘lish va bu orqali ijtimoiy ahvolni yaxshilash masalasida jadidlar tomonidan amalga oshirilgan amaliy ish haqida ma’lumot berilishi maqsad qilingan. Bunda qiyosiy va tanqidiy tahlil metodlaridan foydalanilgan. O‘lkadagi ijtimoiy himoya tizimini tadqiq qilish orqali xayriya jamiyatlari, vaqflar, nogironlar uylari, yetimxonalar, qariyalar masalasi, ijtimoiy yordam turlari (nafaqa, bepul ovqatlanish, bepul davolanish, uy-joy bilan ta’minlash, moddiy yordam berish, ijtimoiy muassalarni qurib berish), ijtimoiy yordamga muxtojlar (harbiylar, nogironlar, kambag’allar, bolalar, ayollar, bevalar, yetimlar, o’quvchilar, o’qituvchilar va boshqalar), aholining ijtimoiy masalalar bo’yicha murojaatlari va kasalxonalar o’rganilgan. Tadqiqot natijasida XX asrning boshlarida Turkiston general-gubernatorligi, Buxoro amirligi va Xivada turli yo’nalishlardagi ijtimoiy himoya tizimi shakllanganligi, bu esa aholi ijtimoiy turmushiga qanday ta’sir ko’rsatganligi matbuotda qanday aks etganligi bo’yicha muayyan xulosalarga kelingan.

Ключевые слова: джадиды, Средняя Азия, начало XX века, социальная защита, благотворительные общества, вакфы, Туркестанское генерал-губернаторство, Бухарский эмират, Хивинское ханство, периодическая печать.

Kalit so‘zlar: jadidlar, O‘rta Osiyo, XX asr boshi, ijtimoiy himoya, xayriya jamiyatlari, vaqflar, Turkiston general-gubernatorligi, Buxoro amirligi, Xiva xonligi, matbuot.

During the colonial period, the Jadids did not limit themselves merely to publishing articles in the press concerning the acquisition of political rights and the improvement of social conditions through such rights; they also sought to take practical action. One of the earliest initiatives in this regard was the draft entitled “Cultural Autonomy of Turkestan”, prepared by Mahmudkhoja Behbudi for submission to the State Duma. The draft included a number of demands concerning social issues, such as regulating the activities of *qazi* (Islamic judicial) courts and addressing matters related to education.

M. Behbudi himself referred to this draft as a "proposal" or "written proposal." According to Temur Khojaoglu, who published the text of the document, the manuscript of this proposal, written in November 1907, was discovered in the archive of Ismail Bey Gasprinski.

Literature Review and Methods

The article is based on historical research methods and principles, including historicism, comparative analysis, systematization, and objectivity. Using these methodological approaches, the study analyzes the activities of charitable societies operating in the early twentieth century.

Results And Discussion

During this period, representatives from Turkestan elected to the State Duma sought to bring governance-related proposals to the attention of the Russian ruling circles through the Muslim Faction. These initiatives also reflected their political efforts to regulate social relations on a legal basis. In particular, in the programme prepared by Turkestani activists under the leadership of Abduvohidqori Abduraufqoriev, a deputy of the Second State Duma, for the 1907 session of the Second Duma, Turkestani intellectuals sought to make use of the legal opportunities available within the colonial administrative system in order to protect the social and religious interests of the local population through legal means.

Article 2 of the programme placed particular emphasis on resolving issues relating to marriage, inheritance, and other matters of personal law in accordance with the principles of Sharia. It stated that paragraph 3 of the resolution of the Muslim Union envisaged placing marriage, inheritance, and other similar personal matters under the supervision of the Muslim religious administration, a practice already existing within the *qazi* courts of Turkestan. The programme demanded that all Muslims in Turkestan, regardless of their way of life or ethnic affiliation, should be subject to the requirements and rules of Sharia. *Qazis* were to be elected by the population of their respective jurisdictions. A candidate for the position of *qazi* was required to possess a thorough knowledge of Sharia and to be capable of performing his duties independently. No property qualification was to be imposed in relation to his office, and he was to be authorised to examine any documents concerning *waqf* property without interference or objection from the Russian government.

Article 3 of the programme contained proposals concerning religious scholars (*ulama*) and the improvement of their activities. In particular, it envisaged the establishment, within a religious administration headed by the *Shaykh al-Islam*, of a council consisting of *a'lam* and *muftis*. The principal responsibility of this body was to be limited to supervising the legality of decisions issued by *qazis* and their compliance with the requirements of Sharia.[1]

Through these two articles, the programme sought to define the legal status of religious scholars as a distinct social group. In this way, the Jadids aimed to develop their political and legal ideas concerning the regulation of social life on a legal basis, the independence of local judicial and religious administrative institutions, the protection of the *waqf* system, and the safeguarding of the legal interests of the local population through lawful mechanisms.

In addition to this document, social issues constituted the core of a sixteen-point programme presented by the Jadid Saidnosir Mirjalilov at the All-Russian Muslim Congress held in St Petersburg on 17 June 1914. The programme addressed such matters as different social groups and the reform of the education system. With regard to education, it proposed that the appointment of teachers and *mudarris* to religious schools and madrasas, their examination and certification, as well as the appointment of religious instructors for Muslim children studying in government schools, should fall within the authority of the mufti. Furthermore, it called for the establishment of specialised madrasas for the training of *qazis*, muftis, teachers, and *mudarris*. It was also proposed that Muslim religious officials should enjoy a social status recognised by the government as being above that of ordinary citizens and equivalent to the status accorded to Christian clergy.[2]

The issue of *waqf* property was also given a central place in the programme. Paragraph 8 proposed that existing local communities should be properly organised and boards of trustees established, with mosques, schools, madrasas, and their *waqf* properties placed under the administration of these boards, while supervision over the boards themselves would be entrusted to the religious administration. Paragraph 9 demanded that old *waqf* properties then under the control of government institutions be returned to Muslims, that permission be granted to establish new *waqfs* and reorganise existing ones, and that supervision over all *waqf* properties be transferred to the religious administration.[3]

Islam Khoja, a Khivan reformer and one of the leading figures associated with the Young Khivans movement that emerged in the Khanate of Khiva in the early twentieth century, also developed a ten-point reform programme.[4] The social issues emphasised in this programme included the introduction of salaries for government officials, the establishment of modern hospitals, and the opening of new-method (*usul-i jadid*) and Russian-native schools.

Furthermore, among the legal documents reflecting social issues, it is appropriate to consider the statutes and programmes of various organisations and political associations that emerged in the early twentieth century and discussed a broad range of issues related to the struggle against the colonial system. The programmes of educational societies such as Turon and Jamiyati Imdodiya, and national political organisations such as Sho‘royi Islom and Turk Adami Markaziyat, associated with figures including Mahmudkhoja Behbudi, Munavvarqori Abdurashidkhonov, Abdurauf Fitrat, Abdulla Avloniy, Cho‘lpon, Ubaydulla Khojaev, and Obidjon Mahmudov, contained provisions addressing the most pressing social issues of their time.

For example, in Munavvarqori Abdurashidkhonov’s documentary work *From My Memoirs* (*Xotiralarimdan*), information concerning Ittihodi Taraqqiy (the Society of Progressives) indicates that the organisation’s social objectives included recruiting young people into its membership, engaging in struggles with conservative religious circles, regulating school affairs, assisting Turkish prisoners of war, and helping them obtain employment in schools.[5]

In the 27 April 1917 issue of the newspaper *Najot*, Munavvarqori Abdurashidkhonov, deputy chairman of the Sho‘royi Islom society, published the “Resolution of Sho‘royi Islom.” The document was devoted entirely to issues of everyday social life and contained a three-point section aimed at eliminating innovations and excessive expenditure associated with weddings,

commemorative gatherings, social gatherings, festivities, certain traditional ceremonies, *uloq* and horse racing among the Kazakhs, and excessive expenditure connected with funerals.[6]

The statute of Jamiyati Imdodiya, the first national association established in Turkestan, approved on 12 May 1909, also emphasised that its primary objective was to address social problems within society.[7] Paragraph 2 of the statute identified the society's principal objectives as providing material and moral assistance to people in need; establishing and financially supporting new-method schools; allocating funds to enable disadvantaged young people to receive an education; providing charitable assistance to the sick, orphans, and widows; and administering *waqf* and charitable funds in accordance with established procedures.

Another important feature of the statute of Jamiyati Imdodiya was that it did not restrict social protection merely to providing assistance to those in need; it also identified the development of education as an important social responsibility.

Another significant document was the nine-part programme of the Turk Adami Markaziyat (Federalist) Party, which, when considered as a whole, reflected the foundations of a democratic society. Nevertheless, Part II, entitled "National Issues," consisted of two provisions dealing with the resolution of national problems affecting different groups of Turkic peoples. Part III, entitled "Religious Issues," addressed problems relating to religion, faith, and the principles of Sharia. Part VII, "The Workers' Question," focused on issues affecting the working class, which constituted a significant proportion of the population at the time, including matters concerning women and children. Part IX, entitled "Educational Affairs," dealt with education, one of the most important social issues of the period. These sections addressed major aspects of social life in Turkestan during the political transformations of 1917.[8]

The section of the document devoted specifically to education was the most extensive, comprising fifteen provisions. It stipulated that educational and scholarly activities should be organised without discrimination on the basis of social background, religion, or nationality; that men and women should enjoy equal rights in education; that teaching should be organised freely and independently; that higher educational institutions should not be prevented from undertaking initiatives aimed at promoting science and culture among the population; and that primary education should be universal, free of charge, and compulsory, among other important principles.[9]

These provisions demonstrate that the Jadids regarded education as one of the principal factors of social progress. They sought to reform national schools and madrasas in accordance with modern requirements, organise education in the native language, and promote science and vocational training as essential means of ensuring the development of society.

Another document of this kind was the programme of the Erk Party, the original text of which has not survived as a separate document. Zeki Velidi Togan, who struggled alongside the Turkestan Jadids for national liberation, reproduced a nineteen-point version of this programme in his *Memoirs*.[10] According to the author, the Erk Party's original twenty-seven-point programme was reduced to nine points following a meeting in Bukhara.

Paragraph 3 of the programme envisaged liberating Turkestan from colonial rule and achieving independent self-government. Through this, it sought to address developments in the region's social and class structure, including the growth of property ownership and the protection of peasants' rights. Paragraph 6 provided for the protection of the interests of ethnic minorities living in the region through specialised departments. Paragraph 7 stipulated that educational affairs should be transferred to local administrative bodies representing the indigenous population. The programme also addressed social issues concerning the administration of public services, including communications, railways, postal services, and telegraph services, which were to be managed by the people of Turkestan themselves.[11]
An analysis of the party programme demonstrates that political independence was regarded as a fundamental prerequisite for social development.

Conclusion

The analysis of the legal programmes, statutes, and political documents demonstrates that the Turkestan Jadids sought to reform social life not merely at the level of theoretical ideas, but through the implementation of specific legal mechanisms. The programmes developed by the Jadids identified such issues as the improvement of the judicial and legal system, the election of qazis by the local population, the regulation of religious administration, the reform of educational institutions, the training of teachers and mudarris, and the enhancement of the population's legal awareness and political participation as key priorities.
The programmes and statutes of the Turkestan Jadids constitute important political and legal sources aimed at the legal modernisation of national society during the colonial period. The ideas advanced in these documents reflected a coherent concept focused on improving the social life of the population through legal mechanisms and establishing the foundations of national statehood and civil society institutions. In this respect, these ideas formed an important ideological and legal foundation for the subsequent processes of national and democratic development.

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