



 Research Article

JUDICIARY - LEGAL SYSTEM IN THE KOKAN KHANATE

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ABSTRACT

Kokan khanate left a mark in history with its legal aspects. Khanate introduced many innovations related to court and law. This article will discuss the above in detail.

KEYWORDS

Kokan Khanate, judiciary, crime, punishment, judge.

INTRODUCTION

It is known that before the founding of the Kokan Khanate, its territory belonged to the Bukhara Emirate. In the 16th century, the Emirate of Bukhara faced an economic and political crisis. During the reign of Ubaydullah Khan (1702-1712), the central authority weakened and the country disintegrated. In 1709, the Khodak (east of Chust city) revolted in the Fergana Valley and occupied a part of the valley. As a result, an independent state is announced. Thus, in 1709, the Khanate of Kokan was founded. In 1710,

Shahrukhbi, a great nobleman from the thousand Uzbek clan, came to power and ruled until 1721.

MATERIALS AND METHODS

The following positions existed in the Kokan khanate: mingbashi, ataliq, sheikhulislam, qazikalon, qushbegi, mekhtar, parvanachi, naqib, dodkhoh, doorkeeper, inok, shigavul, toksoba, mirokhor, karovulbegi and others. The positions of Khojakalon, Naqib, Mirasad, Sadr, Sudur, Uraq



were given only to persons belonging to the descendants of the Prophet Muhammad and the four Caliphs.

RESULTS AND DISCUSSION

Shaykhulislam, Mawlawi, Qazikalon, Qazi ul-Quzzot, Qazi Askar, Qazi Mutlaq, Qazi Rais, Mufti, Alam, Mudarris, Imams should be such persons who must have been educated in Muslim schools and madrasahs. In order to receive the title of Shaykhulislam, in addition to a document about being knowledgeable and educated, a certain lineage was also required. He had to be from the family of owners. The night order in the city was controlled by a certain number of guards (mirshab) under the leadership of the warden, who protected the peace and tranquility of the Muslims and ensured the tranquility of the city.

Also, persons who were distinguished by their moral qualities and were well versed in Sharia laws were appointed to the position of Muhtasib, because they had to be familiar with the religious duties of Muslims. That is why they are also called rais-a'lam.

The khan's income was managed by special officials: the mirza-i daftar recorded the state of the khan's treasury in a special notebook. Sarkor and inoq were considered to be the custodians of products accepted into the treasury of the khanate. This official provided for the needs of the khan's security guards and servants in the palace. All the money was received by the mekhtar or treasurer (cashier) of the khan, who

was also considered the manager of all valuables of the khan.

Usually, the most influential and respected individuals of the temporary ruling group occupied good positions in the khanate.

During the life of the khanate, the priests used to disclose all matters related to the judiciary in solving the cases of citizens. Jurisprudence was carried out in a certain order only on the basis of Sharia and customs.

The military titles that existed in the Kokan khanate were as follows: mingbashi - usually he carried out the duties of a minister. Then a centurion, a centurion, a centurion, a gunner, a gunner, and others. Besides these, there were other military positions. The soldiers and gunners who lived in Kok were only under the permanent control of the viceroy on special duty, the dodkhoh. During the war, the viceroy, dodkhoh accepted all the soldiers of the active army into his unit, and handed over the leadership of the army to the specially appointed amir lashkar (commander-in-chief).

Despite the fact that some issues related to land, water, and public service were regulated by the decrees of the khans, the rights of land, water, family, marriage, and inheritance were the same in almost all khanates. The main features of these rights are explained in the works of scientists of our republic. But in matters of crime and punishment, many unique methods contrary to Sharia were used in each khanate. Lawlessness took root in all of them, including the Kokan khanate. Because, in the absence of

regular rules other than the Sharia, citizens were considered slaves of the state leaders, and their money and property were considered to belong to the state, contrary to them. "If they find a person guilty according to their will," wrote Mahdum Haji about this, "they would beat him and sentence him to severe punishment, and take all his wealth and property to the kingdom." Perhaps even the relatives of the sinner would not have sinned." It can be seen from this that three types of punishments such as torture (corporal punishment), execution, and confiscation of property were applied at once, and the relatives of the sinner were also responsible. spread, the main features of criminal law in the Uzbek khanates, including the Ko'kan khanate, are covered in detail in academician Kh.S. Sulaymonova's scientific works. Several other sources also provide rich information about this.

Crimes are divided into crimes against the state, religion, property, person, and family. Since state crimes are mixed with religious crimes, every state crime is considered a religious crime. They were sentenced to death in almost all cases.

The death penalty imposed on state criminals was in some cases carried out in the form of hanging. "Musulmonqul, who was accused of rebellion against the state, was taken prisoner... and sent to Khoqand with several government officials, they built a throne two people high, put Muslimqul on the throne, and imprisoned him for several days so that he would be an example to the people. in the end, they hanged him with the emir of the khan."

Corporal punishment was also used in a severe form. For example, Shodmonqul, the head of the Khoqand army, who fled to the White Mosque after not being able to fight with the Russian soldiers, was executed. Mahdum Haji describes his performance as follows: "In the middle of the crowd, in the middle of the crowd, women wrap a scarf around Shodmonqul's head and put a turban in front of him, making him feel ashamed and embarrassed." Here you can see the punishment for deserting the battlefield - a war crime. Other sources also show the widespread use of sazoy. For example, in 1813-1814, F. Nazarov, who was in Kokan as a translator of the Russian trade caravan, wrote down the following: "The government strictly controls the merchants so that they do not under-measure and over-weigh. In front of my eyes, I saw someone who was not measured enough and was taken away naked in the streets with a whip.

The purpose of the punishment was to compensate for the damage caused and to frighten the people. The punishment was carried out publicly in front of the assembled people based on the principle of talionia. This is based on the instructions of the Qur'an: "We have commanded soul to soul, eye to eye, nose to nose, tooth to tooth, injury." Rich people could escape punishment by paying a fine.

A whipping once or twice was called "policy" or intimidation by whipping. The sentence of deprivation of liberty was served in prison. The prison had special rooms filled with scorpions, mites, or in some cases a scorpion tax was imposed on the population, and when they were

collected, they were thrown on the prisoner. Some governors used punishments against their enemies that did not correspond to any rules and regulations of Sharia. It is known that impale, i.e. punishment by impalement, existed mainly in Eastern European countries of the Middle Ages. Among the historical sources of the state and law of Uzbekistan, there are no sources or examples that indicate the existence of this punishment. However, there is evidence that some governors used this punishment in the Koqan Khanate in the work of Mahdum Haji: "Some governors put a stake under the sinner and put him alive, and the poor man was on the gallows for several days. while suffering and giving his life." Evidences are given that prove that even worse punishments were given.

CONCLUSION

In addition to these, there were punishments such as expulsion from the place of residence in the Kokan Khanate, conscripting a person who committed a crime or his family members into the Khan's army, loss of property, confiscation. Confessions were used for the crime of theft. According to F. Nazarov: "I saw with my own eyes that the fingers of a man's right hand were cut off with a sword for stealing 30 sheep, boiling to stop the blood They dipped it in oil and let it go. For murder, the murderer is given to the relatives of the dead person. "They can sell it or take food for blood," he wrote. We did not find the case of being sold for such a crime in other places, so this type of punishment can be considered typical of the Kokan Khanate.

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