THE JUDICIAL SYSTEM IN THE FERGANA REGION: HISTORIOGRAPHICAL ANALYSIS AND LEGAL TRANSFORMATION IN THE LATE XIX – EARLY XX CENTURIES

Raupova Mushtariybegim Ilxomjon qizi
Lecturer at the Department of Social and Humanitarian Sciences, Pedagogy and Psychology, Andijan State Institute of Foreign Languages.
raupovamushtariy@gmail.com Tel: +998-94-283-88-95

Abstract: *The article analyzes the formation and functioning of the judicial system in the Fergana region during the late nineteenth and early twentieth centuries within the broader framework of the Turkestan General-Governorship. Particular attention is paid to historiographical approaches, legal transformations, and the interaction between imperial legislation and traditional Islamic judicial institutions. The study systematizes academic literature into three main groups: works produced during the Russian imperial and Soviet periods, research conducted in the years of independence of Uzbekistan, and foreign scholarly studies. Through a critical comparative analysis, the article identifies methodological limitations of earlier interpretations and substantiates the necessity of a comprehensive reassessment of the activities of people's judges (qadis), the legalization of legal norms, and archival documentation. The research emphasizes the contemporary relevance of historical judicial studies in the context of judicial reforms and the strengthening of the rule of law in modern Uzbekistan.*

Keywords: *Fergana region, Turkestan General-Governorship, judicial system, qadi courts, legal transformation, historiography, colonial administration, Islamic law.*

Introduction

In global legal historiography, special attention is devoted to the evolution of judicial institutions, the dynamics of court formation, and the legalization of legal norms based on manuscript sources and archival documentation. The study of judicial history is not merely retrospective; it provides methodological foundations for understanding modern reforms aimed at ensuring judicial independence and the rule of law.

In this regard, the judicial system of the Fergana region, as part of the Turkestan General-Governorship under the Russian Empire, represents a significant field of inquiry. The late XIX and early XX centuries were marked by profound legal transformations, during which imperial administrative mechanisms coexisted and interacted with traditional Islamic judicial institutions, particularly qadi courts.

International academic forums, including conferences dedicated to judicial independence in Eastern Europe, the South Caucasus, and Central Asia, have emphasized the practical importance of studying the historical experience of people's courts in Turkestan. The relevance of this issue has also increased in the context of contemporary judicial reforms in Uzbekistan, where the strengthening of judicial independence and citizens' access to justice is declared a strategic priority.

Thus, the purpose of this study is to provide a historiographical and analytical assessment of the judicial system in the Fergana region, focusing on its institutional features, legal foundations, and scholarly interpretations.

Methodology: The research is based on the principles of historicism, objectivity, and comparative analysis. The study employs:

- Historiographical classification of academic literature;
- Comparative analysis of imperial, Soviet, and post-independence interpretations;

- Source criticism of archival and official reports;
- Legal-historical analysis of normative acts and judicial practices.

The literature concerning the judicial system in Turkestan can be conditionally divided into three groups:

1. Works created during the Russian imperial and Soviet periods;
2. Research conducted during the years of independence of Uzbekistan;
3. Studies by foreign scholars.

Such classification allows for identifying methodological shifts and ideological influences in the interpretation of judicial institutions.

Judicial System of the Fergana Region in the Structure of the Turkestan General-Governorship: After the conquest of Central Asia, the Russian Empire established the Turkestan General-Governorship, introducing a new administrative-territorial system. The Fergana region became one of the strategically important areas within this structure.

The judicial system functioned in a dual format:

1. Imperial courts operating under Russian legislation;
2. People’s courts (qadi courts) functioning according to Sharia norms and customary law.

This dualism reflected the colonial policy of indirect governance. While imperial courts handled criminal and administrative cases concerning Russian subjects and matters of state interest, qadi courts continued to adjudicate family, inheritance, property, and civil disputes among the local Muslim population.

However, the autonomy of qadi courts was gradually limited. The imperial administration introduced mechanisms of control, including the approval of qadis, supervision of court documentation, and appeals to military-judicial bodies. This process can be characterized as the gradual legalization

and bureaucratization of traditional Islamic justice within the colonial legal framework.

Imperial and Soviet Historiography: The first group of literature includes works produced during the Russian imperial and Soviet periods. Early descriptions of judicial institutions in Turkestan can be found in the writings of I.Y. Foynitskiy, A.A. Kaufman, A.N. Dobrosmislov, N.P. Ostroumov, and N.S. Likoshin.

These authors documented administrative and judicial practices; however, their works reflected the ideological interests of the colonial administration. The qadi courts were often portrayed as archaic and ineffective institutions requiring reform under imperial supervision.

During the Soviet period, scholars such as X.S. Sulaymonova, Sh. Urazayev, N. Milshteyn, F. Bakirov, N.I. Abidova, and G.P. Sarkisyans studied the formation of the judicial system from the perspective of Marxist-Leninist methodology. Research was conducted within the framework of class struggle and the critique of “feudal” institutions. As a result, traditional judicial structures were interpreted predominantly as remnants of pre-capitalist relations.

Although Soviet scholarship contributed to the accumulation of factual material and archival references, the ideological orientation limited objective analysis. Archival sources were often selectively interpreted, and the institutional autonomy of qadi courts was underestimated.

Research of the Independence Period: The independence of Uzbekistan created favorable conditions for revising colonial and Soviet narratives. Scholars such as N. Abdurakhimova, X. Sadikov, S.D. Boltaboyev, B.M. Rasulov, F. Isxoqov, N.I. Alimova, D.J. Urakov, G. Rustamova, D.A. Ismoilova, N. Qodirov, and Sh.B. Muhammedov have reexamined the judicial history of Turkestan from new methodological positions.

These researchers focused on:

- The colonial policy of the Russian Empire;
- The administrative structure of Turkestan;
- Religious policy and Islamic institutions;
- Archival documentation as primary sources.

For example, S.D. Boltaboyev analyzed waqf property relations and their transformation under imperial rule based on archival documents. M.M. Kuldashev examined the legal sources of the colonial judicial system from a juridical perspective. D.A. Ismoilova studied the imperial policy toward Islam and its social implications. D.J. Urakov introduced official administrative reports into scientific circulation as historical sources.

Despite significant progress, many studies primarily addressed general administrative or religious issues, leaving the institutional dynamics of qadi courts and the process of legal legalization insufficiently explored.

Foreign Scholarship: The third group includes foreign researchers such as P.P. Litvinov, D.Y. Arapov, Y.A. Lisenko, S.A. Abramitov, R.V. Shakiryanov, I.G. Adoneva, A.V. Astakhov, N.A. Baturina, K.P. Krakovskiy, and P. Sarturi.

These scholars examined the judicial reforms of the Russian Empire not only in Turkestan but also in other imperial territories. Their comparative approach provides broader context for understanding the colonial legal model.

Particularly noteworthy is P. Sarturi’s research, which analyzes the application of Sharia law under imperial administration, the activities of people's judges, and judicial policy within local governance. Such studies contribute to a transregional understanding of imperial legal modernization and its contradictions.

Legal Dualism and the Process of Legalization: One of the key features of the judicial system in the Fergana region was legal dualism. The coexistence of imperial statutory law and Islamic jurisprudence created a hybrid legal space.

The process of legalization involved:

- Registration of court decisions;
- Standardization of documentation;
- Subordination to administrative oversight;
- Integration into the imperial appellate structure.

This transformation did not eliminate Sharia courts but modified their procedural framework. Thus, the judicial system of the Fergana region can be interpreted as a model of controlled legal pluralism within a colonial context.

Contemporary Relevance: The study of historical judicial institutions has practical relevance for modern reforms. In Uzbekistan, strengthening judicial independence and ensuring access to justice are strategic objectives. Understanding the historical experience of legal dualism and institutional adaptation contributes to developing balanced reforms grounded in national legal traditions.

The recognition of cultural and legal heritage as a foundation of state development underscores the importance of comprehensive historical-legal research.

Conclusion: The historiographical analysis demonstrates that the judicial system of the Fergana region during the late XIX – early XX centuries remains an important yet insufficiently studied field.

Imperial and Soviet scholarship provided valuable factual material but was limited by ideological frameworks. Post-independence research introduced new methodological approaches but often addressed broader administrative or religious aspects rather than detailed judicial institutional analysis. Foreign

studies offer comparative perspectives but require integration with local archival research.

The judicial system of the Fergana region represented a complex interaction between imperial law and Islamic jurisprudence, characterized by legal dualism and gradual bureaucratization. A comprehensive study of qadi courts, normative legalization, and archival materials remains a priority for further research.

Such analysis not only enriches historical scholarship but also supports contemporary efforts to strengthen the rule of law and judicial independence.

REFERENCES

1. Foynitskiy I.Y.; Kaufman A.A.; Dobrosmislov A.N.; Ostroumov N.P.; Likoshin N.S. Works on Turkestan administration and judiciary (early XX century).
2. Sulaymonova X.S.; Urazayev Sh.; Milshteyn N.; Bakirov F.; Abidova N.I.; Sarkisyans G.P. Studies on judicial and legal development in Turkestan (Soviet period).
3. Abdurakhimova N.; Sadikov X.; Boltaboyev S.D.; Rasulov B.M.; Isxoqov F.; Alimova N.I.; Urakov D.J.; Rustamova G.; Ismoilova D.A.; Qodirov N.; Muhammedov Sh.B. Research on colonial administration and Islamic institutions in Turkestan (Independence period).
4. Litvinov P.P.; Arapov D.Y.; Lisenko Y.A.; Abramitov S.A.; Shakiryanov R.V.; Adoneva I.G.; Astakhov A.V.; Baturina N.A.; Krakovskiy K.P.; Sarturi P. Studies on the judicial system of the Russian Empire in Turkestan and other regions.
5. Central State Archive of the Republic of Uzbekistan (CSA RUz), фонд Turkestanskogo general-gubernatorstva, judicial records (late XIX–early XX century).

6. Complete Collection of Laws of the Russian Empire (Polnoe sobranie zakonov Rossiyskoy imperii), Volumes related to Turkestan administration.

7. Regulations on the Administration of the Turkestan Region (1886 Statute).

8. Reports of the Military Governor of Fergana Region (annual reports, 1876–1916).