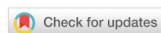




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Временное положение



full article

Temporary Regulation "On Administration in the Ural, Turgai, Akmola and Semipalatinsk Regions" of 1868 and Its Significance in Modernization of Judicial and Legal System of the Steppe Region

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Abstract: One of the most important documents of the second half of the XIX century in the history of the Central Asia outskirts of the Russian Empire is the Temporary Regulation "On administration in the Ural, Turgai, Akmola and Semipalatinsk regions" of 1868, which became the basis for the region administrative reform contributing to the integration of the region into the general imperial space. The Temporary Regulation played a special role in the formation of a new configuration of the judicial and legal system in the Steppe Regions. The article analyzes the process of preparing the "Temporary Regulation", defines the goals, objectives and results of the work of the Commissions of 1863 and 1865. The article considers the organization of the judicial system of the Steppe Regions, which was a complex one, combining the principles of the new and pre-reform judicial systems and institutions with the elements of traditional judicial and legal system. The big court, while retaining its significance, was reorganized and integrated into the regional justice system. However, despite the importance of the "Temporary Regulation", several years after its implementation, significant shortcomings in the work of the judicial and legal system of the region were identified. This problem caused a wide discussion at the regional and central levels of the government. The low efficiency of the regional judicial system caused comments, while the principle of forming a judicial system integrating formal and informal institutions was contradictory. The lack of effects made the Government start a new draft of the judicial and legal system reform, taking into account regional peculiarities and experience in implementing the "Temporary Regulation".

Keywords: "Temporary Regulation" of 1868, judicial and legal system, big court, judicial reform, modernization, Russian Empire, Steppe regions

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оригинальная статья

Временное положение «Об управлении в Уральской, Тургайской, Акмолинской и Семипалатинской областях» 1868 г. и его значение в модернизации судебной-правовой системы Степного края

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Аннотация: Одним из важнейших документов второй половины XIX в. по истории центральноазиатских окраин Российской империи общепризнанным является Временное положение «Об управлении в Уральской, Тургайской, Акмолинской и Семипалатинской областях» 1868 г., которое стало основой реформы системы управления региона и способствовало интеграции региона в общеимперское пространство. Особую роль Положение

сыграло в процессе формирования новой конфигурации судебно-правовой системы Степных областей. В статье проанализирован процесс подготовки «Временного положения», определены цели, задачи и результаты работы Комиссий 1863 и 1865 г. Рассмотрена организация судебной системы Степных областей, которая представляла сложный характер, сочетая в себе принципы нового судостроительства и судопроизводства, дореформенные судебные институты и элементы традиционной судебно-правовой системы. Суд биев, сохраняя свое значение, был реорганизован и интегрирован в систему региональной юстиции. Однако, несмотря на важность «Временного положения», спустя несколько лет после его реализации были обозначены существенные недостатки в работе судебно-правовой системы региона. Данная проблема вызвала широкое обсуждение на региональном и центральном уровнях власти. Замечания вызывали как низкая эффективность работы регионального судостроительства, так и принцип формирования судебной системы, в которой взаимодействие формальных и неформальных институтов носило противоречивый характер. Отсутствие эффектов привело правительство к необходимости приступить к разработке нового проекта реформы судебно-правовой системы с учетом региональных особенностей и опыта реализации «Временного положения».

Ключевые слова: «Временное положение» 1868 г., судебно-правовая система, суд биев, судебная реформа, модернизация, Российская империя, Степные области

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Introduction

A most popular area of modern research is the regional policy of the Russian Empire, the important goal of which was the incorporation of national outskirts into the general imperial space. We agree with the opinion of I. L. Dameshek, that the regional characteristics of the management of individual, very diverse territories of the huge state, were developed by the government as these territories became part of Russia and the power and authority of the central government consolidated. This led to the polyvariability of regional practices and mechanisms for the implementation of the imperial policy [Dameshek 2019]. At the same time, in the regional and central authorities there was a confrontation between supporters of strict regulation of the management of the outlying areas, on the one hand, and adherents of the idea of a special status for the outlying territories, on the other, providing inconsistency and controversy in the regional policy [Dameshek, Dameshek 2017].

A particular interest today presents the study of the judicial and legal policy of the Russian Empire. It should be noted that the coverage of problems related to this topic is uneven. Most of the research is focused on the problems of implementing the judicial, legal and administrative policy in the internal provinces of the Russian Empire, the general development trends of the state judicial system. A significant historiography is devoted to the most important stage in the formation of imperial justice – the reform of 1864, which became the starting point for the modernization of the judicial and legal system of the Russian Empire. Researchers emphasize the importance and uniqueness

of the transformations carried out, the transition of the Russian society to a new level of legal culture [Krakovskiy 2014; Nemytina 2015; Taranovski 1992]. Judicial statutes of November 20, 1864 legislated those justice principles that did not exist in the pre-reform Russia: the principle of all social classes compliance, legal equality, separation of the court from the administration, orality, publicity, etc. [Biyushkina 2020: 103]. However, despite its progressive nature, the judicial reform of 1864 did not lead to the unity of the judicial system in Russia. Volost and church courts, courts for foreigners, operating on the basis of customary law, were preserved [Dorskaya 2015]. The spread of the reform in the Russian regions was also uneven [Derevskova 2014].

The lack of unity manifested itself clearly in the national imperial outskirts, including the Steppe Region. Modernization of the region judicial system was characterized with its implementation as part of the reform of the management system and the administrative-territorial structure. The adoption in 1868 of "The Temporary Regulation on administration in the Ural, Turgai, Ak-mola and Semipalatinsk regions" (further – Temporary Regulation) was fundamental, and it was introduced as an experiment for two years, but in reality it lasted much longer. The 1868 reform received a sufficient coverage in historiography [Agadzhanov et al. 1998; Lysenko et al. 2014; Suleimenov 1951; Vasilyev 2018]. We agree with the opinion of D. V. Vasilyev that the "Temporary Regulation" was an important milestone on the way of rapprochement of the Kazakh Steppe with the rest of the Russian Empire [Vasilyev 2021].

An integral part of the "Temporary Regulation" was reorganization of the regional justice. At the same time, it was not about the introduction of the 1864 Judicial Statutes, but only about the formation of a regional version of the imperial judicial and legal system. In part, the issue of organizing the judiciary and legal proceedings in the Steppe Region in accordance with the "Temporary Regulation" has been critically analyzed [Anisimova 2019; 2022; State regulation... 2021; Svechnikova 2013]. However, the importance of the adopted document, its decisive significance in the formation of the judicial and legal system of the Steppe Region actualize this topic again. In this regard, the purpose of this article is to conduct a comprehensive analysis of the role and significance of the "Temporary Regulation" of 1868 in the judicial and legal system of the Steppe Regions in the second half of the 19th century. The objectives of the study determine the main components of the article: to identify and analyze the main results of the work of the 1863 and 1865 Commissions on the preparation of a draft reform of the management system of the Steppe Region; analyze the organization of the judicial system of the Steppe Region according to the 1868 "Temporary Regulation" and determine the ratio of formal and informal judicial institutions; identify and substantiate the positions of central and regional authorities on the effectiveness of the adoption of a new regulation on the management of the region; determine the significance of the 1868 "Temporary Regulation" in the modernization of the judicial and legal system of the Steppe Region.

Methods and materials

The source base for the study are the documents and materials deposited in the Russian State Historical Archive: Found 565 – State Treasury Department; Found 1291 – Zemsky department of the Ministry of Internal Affairs; Found 1405 – Ministry of Justice; as well as the Central State Archive of the Republic of Kazakhstan: Found 64 – Office of the Steppe Governor-General. The identified documents are office records (correspondence between authorities of various levels, regional authority reports, opinions of representatives of regional judicial institutions, departmental draft regulations on the judicial structure of the Steppe Region), which together allow to trace the evolution of the positions of central and regional authorities on the effectiveness of the 1868 "Temporary Regulation". The sources found in the archives are introduced into scientific circulation for the first time. The legal documents that reflect the main stages of the reorganization of the judicial and legal system of the Steppe Region, primarily the "Temporary Regulation on administration in the Ural, Turgai, Akmola and Semipalatinsk regions

(October 21, 1868)" are very important. A separate group of sources is represented by the works of Ch. Ch. Valikhanov, who was directly involved in the preparation of judicial reform in the region. The Note on Judicial Reform, which traces the author's position on the issue of combining formal and informal institutions within one judicial system and the nature of their interaction presents an interest. A separate group of sources is the journalism of Russian officials, which reflect the views of contemporaries of ongoing judicial reforms in the region under study and contain assessments of their effectiveness. The methodological basis of the study is represented by the main provisions of the modernization approach, the most complete analysis of the stages and directions of which are presented in the studies of I. V. Poberezhnikov [Poberezhnikov 2013; 2017]. Interesting is the model of a partial modernization, showing a long transition from a "relatively non-modernized" to a "relatively modernized" state and its interweaving of modernized and traditional elements into bizarre structures [Poberezhnikov 2002]. The article uses a systematic approach that makes it possible to determine the structure of the judicial and legal Russian imperial system, and to single out the judicial system of the Steppe Region as a subsystem, to analyze the results of its functioning. The systemic-structural method made it possible to consider discussions on the effectiveness of the 1868 "Temporary Regulation" as disputes about structural components within the judicial system of the Steppe Region. Along with the general research methods (analysis, synthesis), the problem-chronological principle was applied in the work (identification and characterization of the main stages of implementing the "Temporary Regulation" of 1868), as well as the historical-genetic method necessary to identify the features of the formation of the judicial system of the region.

Commissions' Work of 1863–1865 for preparation of draft reform of Steppe Region management system

The forerunner of the management reform of the Steppe Region was the work of a special commission chaired by Privy Councilor F. K. Girs, which in historiography was called Steppe Commission [Vasilyev 2018]. The main goal of the commission work was to study the characteristics of the Steppe Region development and the principles of the traditional management system. The collected materials were supposed to become the basis of the project for the transformation of the regional management system. The Steppe Commission paid considerable attention to the issues of the judiciary and legal proceedings in the Steppe Regions.

It should be noted that attention to the judicial and legal system of the Steppe Region was updated in the early 1860-s in connection with the procedure for preparing the all-imperial judicial system, an important part of which was the development and approval of the "Basic provisions for the transformation of the Russia judiciary"¹ by Emperor Alexander II in 1862. In 1863, Secretary of State V. P. Butkov addressed to the Governor-General of Western Siberia with a request to study the "Basic Provisions" and inform "what changes and additions to them for the transformation of the judiciary, common to the empire, must be made when applying them to the judicial institutions of Western Siberia and the Cossack troops and foreigners stationed there"². A. Dugamel, in turn, in order to make a balanced opinion, proposed to find out the attitude of the Kazakh society represented by the Kazakh sultans and honorary biys to the planned transformations. The commission of 1863 with the aim to collect materials in the Steppe Region included I. E. Yatsenko and Ch. Ch. Valikhanov, who was chosen by the governor-general of Western Siberia not accidentally, since Ch. Ch. Valikhanov paid considerable attention to the issues of Kazakh law in his scientific activities [Pochekaev 2013].

In 1864, the scientist prepared a "Note on Judicial Reform", where the author emphasized that the modernization of the judicial system was inextricably linked with changes in the "administrative system" and was aimed at establishing effective and rational governance in the region. At the same time, Ch. Ch. Valikhanov was convinced that "transformations designed for the Christian and settled Russian population... will not bring any benefit and will be meaningless if they are fully applied to the nomadic and wandering foreigners of European and Asian Russia"³. The materials collected in the Steppe Regions and provided to Omsk were contradictory. They testified to the need and desire of the Kazakh society to keep traditional judicial institutions. But, on the one hand, the Kazakh elite, emphasizing that the court of biys "in its spirit, completely agrees with the institutions of magistrates", spoke out in favor of a partial modernization of the institution, where they can affect the role and position of biys in the judiciary. On the other hand, and Ch. Ch. Valikhanov adhered to this position, "the desire of the majority of the people was expressed in favor of the ancient court of biys without

any changes and additions"⁴. As a result, the divergence of positions was obvious, not corresponding to the general direction of the imperial transformations, and the materials collected in 1863 did not receive further discussion.

The need for a full-scale reform in the Steppe Regions predetermined the main activity of the Steppe Commission of 1865, which, during the expedition to the Turkestan and the Steppe Regions, collected the extensive material, including the legal norms and the work of traditional judicial institutions. The analysis of the materials allowed the Commission to work out the main principles for the transformation of the judicial part of the Steppe Regions: "1. Restoration of the people's court in the amount projected by the Regulation; 2. The transformation of the Russian court on the basis consistent with local conditions and the nature of the people; 3. Submission to the general court of all the inhabitants of the Steppe, with the exception of the Kirghiz; 4. Giving the Kyrgyz the right to apply to the Russian court for consideration of cases among themselves"⁵. In general, the Commission concluded that it was necessary to introduce "the same government with the specific aim of gradually merging the Kirghiz steppes with the rest of the interior of Russia" in the Steppe Regions.

As a result, for the final clarification of the draft reform of the Steppe Regions and Turkestan administration in March 1867, the committee was created headed by the Minister of War D. Milyutin. On July 11, 1867, the "Temporary regulation on administration in the Semirechensk and Syrdarya regions" was published, on October 21, 1868, the "Temporary regulation on administration in the Ural, Turgai, Akmola and Semipalatinsk regions" was approved.

Organization of Steppe Region judicial system according to "Temporary Regulation" of 1868

As a result of adoption of the "Temporary Regulation", the judicial and legal system was reorganized, but acquired a complex configuration: pre-reform judicial institutions formed its basis, elements of general imperial justice and legal norms were partially transplanted, and the traditional court was preserved. As a result of the reform, the judiciary of the Steppe Region was represented by county judges, one for each county; by military court commissions

¹ Complete collection of laws of the Russian Empire. Collection 2nd. Vol. XXXVII. Dep. 2nd. St. Petersburg, 1865. No. 38761.

² The attitude of the Main Directorate of Western Siberia to the military governor of the Region of the Siberian Kirghiz dated May 13, 1863. In: Valikhanov Ch. Ch. *Collected works in five volumes*. Alma-Ata: Main edition of the Kazakh Soviet Encyclopedia, 1985. Vol. 5. P. 116.

³ Note on Judicial Reform. In: Valikhanov Ch. Ch. *Collected works in five volumes*. Vol. 4. P. 77.

⁴ Ibid.

⁵ Explanatory note to the Regulations on the management in the Steppe regions of the Orenburg and West Siberian Governor-Generals. 1868. P. 21. URL: <http://elbib.osu.ru/handle/123456789/2859> (accessed 8 Mar 2023).

and regional boards. The Governing Senate⁶, by analogy with the rest of the regions of the Empire, acted as the highest judicial authority. Volost courts of Russian settlers and stanitsa courts in Cossack villages also survived.

County judges were endowed with the rights of magistrates and tried criminal cases not related to the deprivation or restriction of the rights of the state, as well as civil cases with the value of up to 2,000 rubles. The competences of the second level judiciary, the Regional Boards, included civil cases in the amount of more than 2,000 rubles. Regional boards accepted appeals against decisions of district judges in cases worth more than 100 rubles. In the Steppe Regions, the regional governments also had jurisdiction over criminal cases that exceeded the powers of district judges⁷. A special category of crimes: cases of treason, resistance to the government and authorities, murder of officials, etc. were within the competence of the military court commissions. Appeals against decisions and sentences of the regional boards were considered in the judicial departments of the Governing Senate. The investigation of cases that exceeded the jurisdiction of a world judge was entrusted to district judges, who thus combined judicial and investigative powers. In the Steppe Regions, the positions of regional prosecutors were established with the rights and duties of provincial prosecutorial supervision on a general basis.

At the same time, the "Temporary Regulation" retained, with the introduction of certain adjustments, the informal institutions of the judicial system, represented by the people's court and the norms of adat, which was due to the social-political interests of Russia. In government circles, the belief prevailed that the practice of including traditional institutions in the general imperial system would reduce tension and opposition of the Kazakh population to the administrative and social reforms being carried out in the Steppe Region, avoid changes and rise in anti-Russian sentiments [State regulation... 2021: 33–52; Vasilyev, Lyubichankovskiy 2018: 71]. But in general, in the post-reform period, the formation of people's courts in the Central Asia outskirts was a complex and controversial process [Svechnikova 2013: 25]. The Russian control over the courts of biys was tightened, the institute was integrated into the system of regional justice, where it represented the lowest level.

The most important innovation was the election of biys and their confirmation in office by the governor. Biys were endowed with distinctive signs and the seal of the established

pattern for registering a decision. The concept of a fixed court decision was introduced (keeping the book of decisions of volost and emergency congresses of biys by district chiefs and volost rulers). However, the effectiveness of this procedure was controversial, as it increased the bureaucratization of the judicial process [Pochekaev 2008: 56]. For violation of their duties or abuse of power, biys, as officials and representatives of regional justice, were subject to the jurisdiction of the general imperial court. A three-level structure of the people's court was approved: the sole court of biys (cases worth up to 300 rubles); volost congresses of biys, the final decisions of which concerned cases worth up to 500 rubles; extraordinary congresses of biys, which were convened by the decision of the county chief to consider the most complex cases [Lysenko et al. 2014: 158–160]. In case of disagreement with the decision of the court of biys, the parties could file a complaint with the county authorities, and with mutual agreement, the case could be transferred to the general imperial court.

As a result, the reform significantly changed the content of the judicial and legal system of the Steppe Regions and brought the judicial system of the region closer to the general imperial one.

Discussion of effectiveness of "Temporary Regulation" of 1868 by regional and central authorities

With the general modernization of the judicial reform, the possible negative consequences of combining formal and informal institutions and norms within the framework of one system were not taken into account during its implementation. The introduction of elements of the all-imperial justice came into conflict with the traditional ideas of the Kazakh society about legal proceedings, which, of course, caused misunderstanding, and often rejection of the transplanted elements. The uprisings of the local population in the Ural and Turgai regions in 1868–1870 can serve as an indicator of administrative omissions during the introduction of the "Temporary Regulation" [Vasilyev 2019]. The introduction of a new control system caused a series of unrest in the Steppe Regions already in 1869. Riots were accompanied by robberies, attacks by the local population on military detachments, trade and postal caravans, linear villages. A special inquiry commission was formed in the region, which was supposed to identify those responsible for the riots and bring them to justice⁸. The work of the commission

⁶ Russian State Historical Archive (RGIA). Found 565. Inv. 7. File 29084. P. 4.

⁷ Temporary Regulation on administration in the Ural, Turgai, Ak-mola and Semipalatinsk regions (October 21, 1868). In: *The ancient world of Kazakh law (materials, documents and research in ten volumes)*. Vol. V. Alma-Ata: Zheti zhargy, 2005. P. 441–463.

⁸ RGIA. Found 1291. Inv. 92. File 12–1872. P. 1–2.

continued for several years, until 1872. A fine was imposed on the participants of the riots – 1 silver ruble from one wagon. At the same time, according to the information of the Orenburg Governor-General, a total of 3,973 rubles was collected from the Kazakhs taking part in the riots⁹.

The defects in the organization of the judicial system of the Steppe Regions according to the "Temporary Regulation" were recognized already in the early 1870s both by the Ministry of Justice of the Russian Empire¹⁰ and by the regional authorities. In 1871, Committees were formed in the Orenburg and West Siberian Governor Generals to discuss the results of the implementation of the "Temporary Regulation" of 1868. Representatives of the local authorities made a number of comments and complaints about the organization of the judiciary. It was emphasized that judicial regulations were unclear, vague, issues related to the people's court were completely confused, and the combination of administrative and judicial functions in the hands of one management made the work of these authorities unsatisfactory.

Many issues of region's public life were not reflected in the "Temporary Regulation". The realities of the social-economic conditions of life of the nomadic Kazakh society went beyond the norms of the customary law. The penetration of commercial and industrial capital, the introduction of new economic mechanisms, peasant colonization led to the emergence of such legal problems as renting, hiring, trade bargaining, solving land issues, however, these relations were not regulated by adat. In this regard, the regional authorities took certain steps towards improving the efficiency of the judicial and legal system in the region. For example, in 1869 in the Semipalatinsk region, special temporary collegiate committees were created to consider cases of incidents and vagrancy¹¹.

The expansion of the regional administration staff and the establishment of new positions was actual. Already in 1869, the Council of the Main Directorate of Western Siberia raised the question of organizing an investigation and judicial unit in the cities of the Steppe Regions and establishing the posts of a city judge (whose competencies will be equal to a county judge) and a judicial investigator, since the "Temporary Regulation" did not provide the presence of a judge in the city administration. However, the Ministry of Justice

found the project "inconvenient" for implementation¹². The military governor of the Semipalatinsk Region, Major General V. A. Poltoratsky spoke about the "insufficiency of the personnel of the judicial part in the counties, and he proposed to establish the positions of assistant county judges in the counties. But this initiative did not receive support either.

Particular criticism was addressed to the wide county judge duties including trial and investigation procedures in counties and regional cities, functions of collegial police departments, which made the success of their work virtually impossible. Regional officials demanded a clear definition of the competencies of county judges and the division of judicial and investigative duties¹³. The organisation system of judicial districts has also been repeatedly criticized. So, in the Akmola Region, a whole county acted as a judicial sector, the vast territories of which exceeded the ability of a county judge. Various projects were proposed to improve the work of the judicial-investigative board in the localities: division of counties into smaller judicial sectors, transfer of investigations to police and county administration, etc. The issue of the application procedure of county judge decisions to regional boards received wide discussion, since the "Temporary Regulation" lacked the mechanism regulating the procedure¹⁴.

Regional officials critically assessed the judicial functions of the Regional Boards, which in judicial terms represented the court of the 1st degree in cases of Criminal and Civil Court Chamber and the 2nd degree court in the World Congress. These two lines of the judicial process, evidently, hampered the work of the Regional Board, slowed down judicial proceedings and introduced a disbalance in the judicial and legal system work of the region. The government paid attention to the negative consequences of combining administrative and judicial functions by Regional Board officials. The personnel of the Regional Boards was an urgent work problem, as well as the lack of professional employees' training and their low educational level¹⁵.

The judicial system introduced by the "Temporary Regulation" was subjected to significant criticism by the Orenburg Governor-General N. A. Kryzhanovsky. The head of the region drew attention to the jurisdiction of the Kazakh population to three completely independent courts: military, civil and people's one. In his opinion,

⁹ RGIA. Found 1291. Inv. 82. File 12–1872. P. 35 turn.

¹⁰ Central State Archive Republic of Kazakhstan (CSA RK). Found 64. Inv. 1. File 727. P. 46–46 turn.

¹¹ RGIA. Found 1291. Inv. 82. File 14–1879. P. 2.

¹² RGIA. Found 1291. Inv. 82. File 33–1869. P. 56.

¹³ RGIA. Found 1291. Inv. 82. File 33–1869. P. 27–27 turn.

¹⁴ RGIA. Found 1291. Inv. 82. File 8–1871.

¹⁵ RGIA. Found 1405. Inv. 69. File 7102-a. P. 3.

it was necessary to have "the subordination of Kirghiz people as citizens of one state to the general criminal laws of the Empire"¹⁶. N. A. Kryzhanovsky insisted on expanding the list of offenses committed by the Kazakhs, which must be transferred to the competence of the all-imperial court. The head of the region noted that the document contained the idea of the necessary future integration of the people's court with the general imperial court, but "such a fair idea" did not receive proper development.

In general, in 1873–1876 the Ministry of Internal Affairs was presented with several opinions of the regional authorities on the shortcomings of the "Temporary Regulation", based on the experience of its implementation¹⁷, which led to an active discussion of the problem in the central departments. In 1873, a special Commission was formed to review the activities of the court and the organization of legal proceedings in the Steppe Region. Already in 1874, the Commission submitted a draft regulation on the judicial system in the Steppe Regions for the conclusion of the Minister of Internal Affairs and the Minister of War¹⁸, which was never agreed upon. In turn, the regional authorities started to insist more urgently on the reorganization of the region judicial system, including the separation of judiciary from administration [Abdrakhmanova 2010: 109]. In 1877, the Orenburg Governor-General N. A. Kryzhanovsky wrote to the Minister of Internal Affairs that "legal proceedings existing in the Ural and Turgai regions on the basis of the Temporary Regulation of 1868 had long been recognized as unsatisfactory". He insisted on, albeit temporary, reorganization of judicial procedure in Kazakh regions¹⁹, since in practice the discrepancy between the principles of new and old legal proceedings became more obvious. G. A. Kolpakovsky also spoke about the need to take "prompt measures" to improve the judicial system in the Steppe Region²⁰.

By the beginning of the 1880s there were no changes in the work of the institutions of the judicial system in the Steppe Regions; on the contrary, criticism from the regional authorities intensified. The documents contain complaints about the work of the Regional Boards, which made decisions that did not comply with the regulatory framework established in the region²¹. The military-judicial commissions in cases of general jurisdiction did

not cope with their duties, demonstrating their complete legal ignorance, partiality, injustice and lack of control. The work of county judges was also subjected to criticism, while the problem was not only in the broad competencies of county judges, but also in the degree of their professionalism. So, according to the 1882 information, there were 17 county judges in the Turkestan region. Of these, only 10 people had higher or secondary education, four judges had only judicial practice without education, three people did not correspond to their position either in terms of education or qualification²².

At the same time, theoretically, the problems of the judicial and legal system of the Steppe Regions, organized according to the "Temporary Regulation", did not go unnoticed by the central authorities. Indeed, starting from 1871, five projects for the reorganization of the judicial and legal system of the region were submitted for consideration (1871, 1874, 1881, 1883 and 1884), however, the inconsistency in the positions of ministries and departments delayed the legislative approval of the projects and their implementation.

Conclusion

Undoubtedly, the "Temporary Regulation" became an important milestone both in the modernization of the management system of the Steppe Regions as a whole, and in the organization of the judicial and legal system of the region on the new principles of the judiciary and legal proceedings. But the paternalistic approach of the Russia policy towards the peoples of the Asian outskirts slowed down the process of integrating regional justice into the general imperial space. Equally important is the potential conflict interaction between formal and informal institutions within the judicial system. The preservation of the court of biys, the indecision of the government to radical reforms, the policy of "gradual" introduction of imperial institutions and the rule of law, the dependence of the court on the executive branch made the system unproductive and reduced the modernization effects in the region. However, in general, the institutional changes caused by the adoption of the "Temporary Regulation" gave serious impetus to social-cultural, political and economic transformations in the Steppe Regions.

¹⁶ RGIA. Found 1405. Inv. 69. File 7102-a. P. 54.

¹⁷ RGIA. Found 1291. Inv. 82. File 3–1884. P. 371.

¹⁸ RGIA. Found 1405. Inv. 69. File 7102-a. P. 66–133.

¹⁹ RGIA. Found 1291. Inv. 82. File 12–1877. P. 1.

²⁰ CSA RK. Ф. 64. Inv. 1. File 1445. P. 9.

²¹ RGIA. Found 1291. Inv. 82. File 9–1879. P. 40–42.

²² Dingelstedt N. Judicial reform in Turkestan. *Journal of civil and criminal law*. Year 22. Book 7. St. Petersburg, 1892. P. 7–10.

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