Scottish International Conference on Multidisciplinary research and Innovation (SICMRI 2026)

JUDICIAL INSTITUTIONS AND COLONIAL GOVERNANCE IN FERGANA OBLAST FROM 1876 TO 1917

Djumaboyev Ikboljon Burxanillayevich
Teacher at Andijan State University

Abstract

The establishment of Russian rule in Fergana transformed the relationship between judicial authority, local society, and political power. This article examines the coexistence of qazi and biy courts with imperial judicial institutions between the abolition of the Kokand Khanate in 1876 and the political upheavals of 1917. It considers changes in jurisdiction, the expansion of imperial courts, the work of the New Margilan District Court, and the practical importance of interpreters and legal intermediaries. Court statistics and individual disputes reveal that imperial institutions handled ordinary economic conflicts as well as matters affecting colonial authority. Meanwhile, local courts retained an extensive territorial presence and continued to serve their communities. The article argues that judicial change produced a hierarchy of overlapping jurisdictions rather than a complete replacement of existing legal practices. This arrangement enabled colonial supervision while preserving institutions on which both the administration and the population continued to depend.

Keywords

Fergana Oblast; Russian Empire; colonial governance; legal pluralism; qazi courts; biy courts; New Margilan District Court; judicial interpreters.

The history of Russian rule in Fergana is usually associated with military conquest, administrative restructuring, and resistance. Judicial institutions offer another way to understand how colonial authority entered everyday life. Courts determined how debts could be recovered, property transferred, testimony recorded, and political opposition punished. Their importance extended beyond the courtroom because decisions about jurisdiction also determined whose law and authority would govern a dispute.

The abolition of the Kokand Khanate in 1876 did not immediately end the work of Muslim judges or customary adjudicators. Russian officials retained local institutions while establishing courts operating under imperial law. The resulting system brought several legal traditions into an unequal relationship. Local adjudication remained socially important, but the colonial state increasingly defined its limits and supervised its personnel.

This article investigates that relationship through the institutional development and practical operation of courts in Fergana Oblast. Its central argument is that the preservation of local courts and the expansion of imperial justice formed interconnected parts of colonial government. Understanding this process requires attention to ordinary litigation alongside the exceptional proceedings associated with uprisings.

The study combines chronological reconstruction with institutional comparison and close reading of individual cases. The regional figures, personnel information, and disputes discussed below derive from the Uzbek historical manuscript supplied for this study. [1] The analysis distinguishes between statutory arrangements, administrative descriptions, and allegations made by participants in judicial proceedings. Legal provisions are considered alongside the practical conditions under which people approached courts.

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The terms qazi and biy identify judges associated respectively with Islamic and customary adjudication. They should not imply that local legal practices were entirely separate or internally uniform. Likewise, the imperial category of the people's court was an administrative designation rather than evidence of unrestricted popular control. Uyezd denotes a district, while volost refers to a smaller administrative unit.

Before annexation, qazi courts formed a central part of judicial life in the Kokand Khanate. Their authority rested on knowledge of Islamic law, appointment by political rulers, and recognition within local society. Muftis supplied legal opinions, although their role should not be equated directly with that of modern defence lawyers. Judicial legitimacy depended on religious learning and established relationships as well as political endorsement.

Russian rule altered these foundations without immediately removing the institutions themselves. The early administrative arrangements introduced in Turkestan during the 1860s supplied a framework for combining local adjudication with military supervision. Following the creation of Fergana Oblast, the administration incorporated existing judges into a system in which imperial officials controlled recognition and important questions of jurisdiction. Institutional survival therefore involved changes in the conditions under which judicial authority could be exercised.

The figures recorded for 21 April 1877 demonstrate the extent of the local network. The manuscript lists five qazis in Osh Uyezd, seven in Namangan, eight in Chust, twenty-one in Margilan, twenty-four in Kokand, seventeen in Andijan, and four in Chimyon. Together, these entries amount to eighty-six qazis. It also records forty-eight biy judges in Andijan Uyezd. [1] These figures describe an early administrative configuration; they should not be projected onto the oblast's later district boundaries.

The network helped communities obtain decisions from judges familiar with their language and social relationships. Its continued operation also reduced the administrative burden on Russian officials. Yet reliance on local expertise created a persistent tension: colonial authorities needed these institutions while remaining concerned about the influence they exercised outside the imperial bureaucracy.

The Regulation on the Administration of Turkestan, approved on 12 June 1886, provided an important framework for regional government. [2] Local courts continued to hear civil disputes and certain criminal matters, subject to statutory exclusions. Their competence should therefore not be reduced to marriage, divorce, inheritance, and guardianship alone. A later consolidated edition of the regulation retained this broader jurisdiction while specifying exceptions. [3]

Supervision also operated through review of jurisdiction. Under the consolidated provisions, decisions exceeding a people's court's authority could be withheld from execution and brought before the district prosecutor and court. [3] Such mechanisms placed local adjudication within an imperial hierarchy without requiring Russian officials to conduct every hearing themselves.

Selection procedures changed the social foundations of judicial office. The manuscript describes indirect elections through volost assemblies composed of representatives of households, followed by administrative approval. [1] These arrangements created opportunities for competition among local groups and made access to officials increasingly important. Elections could provide a form of community participation, but their existence alone does not establish that judicial selection was free from influence.

Colonial reports criticised the legal knowledge, financial dependence, and conduct of some people's judges. Such reports require careful interpretation. Complaints about incompetence or corruption could identify real weaknesses, but they could also support proposals to restrict local institutions.

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Administrative dissatisfaction is evidence of conflict over judicial authority; it does not by itself prove that every local court functioned poorly.

The early workload of imperial courts indicates their growing role in ordinary disputes. In Namangan, the manuscript records forty criminal and seventy-six civil cases resolved in 1876, giving a total of 116. In 1877, the criminal total remained forty, while civil cases rose to 309, bringing the combined figure to 349. [1] The increase was therefore concentrated in civil litigation. The number of resolved cases approximately tripled, while civil cases increased slightly more than fourfold.

These figures suggest that the court became increasingly involved in economic relationships. They do not establish that crime increased or that the whole population preferred imperial justice. Changes in jurisdiction, registration, access, and administrative practice could also affect recorded totals. Nevertheless, the contrast between stable criminal figures and rapidly increasing civil business draws attention to the court's importance for property and contractual disputes.

Other district returns show uneven patterns. The manuscript reports unresolved criminal cases in Andijan and Margilan during particular reporting periods. For Osh, it lists five criminal and three civil cases in 1878, all completed, followed by fifty-eight criminal and 137 civil cases received in 1882. [1] Because the reporting periods and categories differ, these entries cannot support a precise comparison of judicial efficiency. They do show why regional development must be examined district by district rather than treated as a uniform process.

The judicial reorganisation of 1898 and 1899 marked a further stage in the expansion of imperial institutions. The manuscript dates the opening of the New Margilan District Court to 14 May 1899 and places it within the Ministry of Justice system and the jurisdiction of the Tashkent Judicial Chamber. [1] Its operations connected local proceedings with a wider imperial judicial structure.

The court dealt with civil and criminal business and exercised functions concerning the work of judicial personnel. Its institutional environment included justices of the peace, investigators, notaries, bailiffs, and clerical staff. These offices supported the preparation, recording, adjudication, and enforcement of cases. Maintaining registers and reports was particularly important because supervision depended on converting local disputes into documents that higher authorities could review.

Civil proceedings brought imperial justice into the affairs of prominent local entrepreneurs. The manuscript describes Mirkomilboy Mirmuminboyev's claim against Toshmuhammad Akhunjonboyev for 16,787 rubles and 50 kopecks. It also records a 1911 claim by Ahmadbek Hoji Temirbekov against Said Ahmad Hoji Ghiyos Khojayev for a contractual penalty of 2,680 rubles and 60 kopecks. [1] These are amounts claimed, rather than proof of sums recovered. Even so, the cases demonstrate that local litigants used imperial institutions to pursue substantial economic interests.

Such participation complicates any account that treats the court solely as an institution imposed on a passive population. Litigants could seek to use its procedures for their own purposes. Their participation did not remove the inequalities of colonial government, but it shows that imperial justice became part of the practical environment in which local economic actors operated.

Language shaped the relationship between formal rights and actual participation. Imperial proceedings relied principally on Russian documentation, whereas much of the local population spoke Uzbek, Kyrgyz, Tajik, or other regional languages. Interpreters consequently occupied a position of considerable responsibility. They communicated questions, conveyed testimony, explained procedural decisions, and helped transform oral statements into written records.

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A dispute concerning the interpreter Sulaymon Kelginboyev illustrates the difficulty of assessing misconduct. In 1912, a petition attributed to Suyarqul Mulla Kholmatov accused Kelginboyev of accepting 300 rubles and deliberately mistranslating witness statements. When questioned later, Kholmatov denied having submitted the complaint, and proceedings were subsequently directed against him. [1] This sequence documents a contested accusation. It does not establish that the alleged bribe was paid, nor does the later denial fully explain how the petition originated.

The same caution applies to confidential information sent to the prosecutor in 1913 concerning interpreters accused of disclosing judicial information for payment. The manuscript notes that definite evidence or specific complaints were lacking against at least one named individual. In January 1917, the interpreters Akbar and Madamin Boytursunov were dismissed following allegations of manipulating testimony and influencing proceedings; they appealed and disputed the accusations. [1] An administrative dismissal and a proven criminal offence are different findings and must be described accordingly.

These cases reveal a structural problem extending beyond individual honesty. A litigant who could not understand the official record depended heavily on the person translating it. Lawyers, scribes, and petition writers could assist, but their fees and availability affected access. Translation therefore influenced whether a person could explain a claim, challenge an accusation, or recognise an error in a written statement.

The expansion of imperial institutions did not eliminate the territorial reach of local justice. The manuscript identifies people's judges across the volosts of Andijan Uyezd in 1907, including Oltinkol, Baliqchi, Yorboshi, Izboskan, Norin, Qorasuv, and Qorgontepa. In areas inhabited by mobile pastoral communities, biy judges served smaller settlements, reducing the distance involved in obtaining adjudication. [1] Geographic accessibility helped sustain these institutions alongside their cultural familiarity.

Urban arrangements also reflected their continuing presence. In 1908 and 1909, the indigenous part of Andijan was divided into four judicial areas identified as Oloylik, Uylik, Bobotavakkal, and Qirliq. [1] Assigning neighbourhoods to particular judges made jurisdiction part of the organisation of the city. Local courts were thus embedded in everyday administration rather than surviving only as remnants of an earlier political order.

Religious practices could also be incorporated into imperial proceedings. The manuscript reproduces a Muslim witness oath invoking the Quran and requiring truthful testimony regardless of friendship, kinship, hostility, or fear. [1] Its use indicates that imperial procedure could draw on religious authority to secure evidence. Judicial centralisation therefore coexisted with selective reliance on familiar local forms.

The relationship between courts and colonial power became especially visible during episodes of resistance. The movements associated with Darvishkhan Tora in 1885 and Dukchi Eshon in 1898 brought political conflict into judicial proceedings. Military jurisdiction supplied a means of prosecuting actions understood by the authorities as threats to imperial rule. Punishment in this context served a wider political purpose because exemplary sentences could also intimidate communities beyond the individuals tried.

The manuscript discusses arrests, capital sentences, confiscation, and exile following the Andijan uprising. These categories must be kept distinct: a person arrested was not necessarily convicted, and a

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death sentence was not necessarily carried out. The figures concerning arrests, sentences, commutations, and executions require separate documentary reconstruction. What the material clearly brings into focus is the use of judicial proceedings as part of the response to resistance. [1]

During the uprising of 1916, military justice again became central. The manuscript describes accelerated proceedings, restricted hearings, and criticism of the speed with which substantial case files reached trial. [1] Such conditions raise questions about the opportunity available to defendants to challenge evidence. They also demonstrate the limits of explaining colonial justice solely through ordinary civil and criminal procedure: emergency jurisdiction could change both the pace and the purpose of adjudication.

The political changes of 1917 did not produce an instantaneous replacement of every institution. The late imperial court continued to operate after the February Revolution according to the manuscript. The subsequent Soviet Decree on the Court, dated 22 November (5 December) 1917, supplied a new legal basis for dismantling the previous judicial order. [4] The decree's date should be distinguished from the dates on which particular institutions ceased work locally.

Conclusion

Judicial change in Fergana Oblast created an uneven relationship between institutional continuity and colonial supervision. Qazi and biy courts remained important because they were accessible, familiar, and connected to local society. At the same time, imperial authorities increasingly controlled the boundaries within which those institutions could act.

The growth of civil litigation shows that courts also belonged to the ordinary history of trade, debt, and property. Local entrepreneurs pursued substantial claims through imperial institutions, while other litigants relied on judges within their own communities. People's encounters with the law therefore varied according to the nature of the dispute, the available forum, language, resources, and access to intermediaries.

Military proceedings expose another dimension of the same system. When the administration treated opposition as a security threat, judicial mechanisms could become instruments of punishment and deterrence. Taken together, ordinary litigation, local adjudication, and emergency justice reveal how law helped sustain Russian rule. Fergana's judicial history is consequently a history of both practical dispute resolution and the unequal distribution of authority within a colonial society.

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