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СОВЕТ ҲОКИМИЯТИ ЎРНАТИЛГАН ЙИЛЛАРДА ВАҚФ МУЛКЛАРИНИНГ АҲВОЛИ
STATUS OF VAKUF PROPERTIES IN THE YEARS WHEN SOVIET POWER WAS
ESTABLISHED

СОСТОЯНИЕ ВАКУФНОГО ИМУЩЕСТВА В ГОДЫ УСТАНОВЛЕНИЯ СОВЕТСКОЙ
ВЛАСТИ

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Аннотация

Мақолада Туркистонда совет ҳокимиятининг дастлабки ўрнатилган йилларида вақф мулкларига доир олиб борган сиёсати ёритилган. Муаллиф архив ҳужжатлари ва бошқа манбалар таҳлили асосида совет ҳокимиятининг Туркистонда юритган диний сиёсатини илмий жиҳатдан асослаб берган.

Annotation

This article describes the policy of the Soviet government in Turkestan on the vakuf property during the early years of the foundation of the Soviet power. Based on the analysis of archival documents and other sources, the author scientifically substantiated the religious policy of the Soviet government in Turkestan.

Аннотация

В статье описывается политика советского правительства в Туркестане в отношении вакуфного имущества в первые годы установления советской власти. На основе анализа архивных документов и других источников автор научно обосновал религиозную политику советской власти в Туркестане.

Таянч сўз ва иборалар: “Ер тўғрисида” ги декрет, вақф мулклари, муфтий, Маориф халқ комиссариати, большевиклар, Туркистон Марказий Ижроия комитети, Халқ Комиссарлари совети, мутавалли, масжид, мадраса, хонақоҳ, Қуръони Карим, Туркистон АСССР, шариат судлари, жомъе масжиди, ер-сув ислоҳоти.

Keywords and expressions: Decree "On Land", Vakuf Property, Mufti, People's Commissariat of Education, Bolsheviks, Central Executive Committee of Turkestan, Council of People's Commissars, Mutawalli, Mosque, Madrasa, Khanaqah, Quran, Turkestan ASSR, Sharia courts, cathedral mosque, land and water reform.

Ключевые слова и выражения: Декрет «О земле», вакуфное имущество, муфтий, Наркомат просвещения, большевики, ЦИК Туркестана, Совет Народных Комиссаров, попечитель, мечеть, медресе, ханака, Коран, Туркестанская АССР, шариатские суды, соборная мечеть, земельная и водная реформа.

Central Asian Muslim clerics owned the large plots of lands and other property. According to the Islamic tradition, khans, emirs, and their officials had the large plots of land and other property that benefited Muslim religious organizations. The property of the vakuf and the income from it were intended for the provision of various religious and cultural organizations, for various community activities.

Burhaniddin al-Marghinoni, a XII century jurist from Margilan, described the nature of the vakuf in his book Hidoya [1.145].

According to these rules of the Shari'a on vakufs, the Uzbek khans and emirs have strictly followed them for many centuries. The Turkestan region was occupied by the tsarist government and the Soviet Union after its occupation by the Russian Empire the government violated these rules of sharia and confiscated vakuf property from religious organizations and turned it into state property.

On October 25, 1917, the waves of the October Revolution in the Russian capital, Petrograd, reached Tashkent, and the Bolsheviks established the Soviet power. Turkestan was part of the RSFSR. The decrees of the RSFSR government had to be implemented in Turkestan as well. However, the decrees adopted at the center did not comply with the Sharia of Turkestan. However, the Bolsheviks of Turkestan blindly implemented the decrees of the Center, ignoring the local conditions and the will of the indigenous people. The Russian government's Land Decree declared all land to be state property. According to this decree, the Bolsheviks considered it necessary to transfer all lands in Turkestan, including vakuf lands, to the state. Utopian ideas such as the abolition of private property, the abolition of the property class on its basis, and the construction of a classless society were reflected in the program of the Bolshevik Party. Thus, the policy of Turkestan to abolish the

lands of the Bolsheviks was based on the Bolshevik program. In Turkestan in 1917-1920

, that is, before the transition to a new economic policy, the idea of "direct transition to socialism" prevailed among the communists of the region. This idea required the abolition of private property, the abolition of market relations, the replacement of national morals, customs and values with proletarian culture. This general line of the Bolshevik Party also influenced on the policy of the Turkestan Communists towards the vakufs. They hastened to confiscate the property of the vakuf, to transfer it to the state, and to deprive the clergy of their material base, regardless of the local conditions and the positive attitude of the Muslim population towards Islam. The Government of the Republic of Turkestan, the People's Commissariats and their officials organized the work in the country on the basis of decrees and decisions of the central government. The local government and its commissariats acted in accordance with the ideas and rules of the Decree of the Government of the RSFSR "On Land" in resolving the land issue. The decree declared all lands, including monasteries and churches, to be state property. Therefore, the government of Turkestan and its people's commissariats dealing with land issues considered it necessary to "nationalize" the lands of the foundation.

After the establishment of the Soviet power in the country, in the middle of 1918 the task of managing foundations was transferred to the Commissariat for National Affairs of the Turkestan ASSR. Until the end of the 1920s, the government did not make a clear decision on the legalization of the foundation or its inviolability. The issue remains unclear. This situation allowed solving the issue of the foundation arbitrarily. The People's Commissariat for National Affairs was in favor of confiscating the foundation's property. On July 24, 1918, the Commissariat approved the "Temporary Regulations on regional and district commissioners for national affairs in the Autonomous Republic of Turkestan." According to the charter, "The regional commissioner for national affairs considers and resolves all applications and complaints on vakuf. The regional commissioner for national affairs always considers confiscation of the vakuf when considering complaints about vakufs"[2.45].

According to the document, the People's Commissariat for National Affairs directed the activities of its local bodies to the confiscation of the vakuf's property. Such an approach did not correspond to the conditions of that time, the way of life of the Muslim population, the way of life. The local people valued Islamic traditions and rules, and considered vakufs to be sacred things

that could not be taken away by the state or individuals under Sharia law. Soviet authorities insulted Muslims by seizing and confiscating the foundations of religious organizations. The Bolsheviks did not take into account the wishes of the local people and pursued their goals by force.

In January 1919, at a meeting of the Central Executive Committee of the Turkestan ASSR, the Statute on the People's Commissars for National Affairs was discussed. The charter stated that the commission was responsible for the management of vakuf property in the republic. It was planned to establish a foundation department to manage the vakuf. The People's Commissar for Education of the Turkestan ASSR, P.V. Bilik, opposed the interference of the Commissariat for National Affairs in the work of public education and the management of foundations. He considered it necessary to transfer the vakufs to the Central Council of the National Economy, and the proceeds should be spent on general education, not on the repair of religious Muslim schools and mosques. A majority of the members of the Central Executive Committee approved the transfer of the management of the vakuf's property to the Commissariat for National Affairs and approved the charter. The charter of the People's Commissariat for National Affairs did not specify the management of the vakuf's property. Are vakufs state property or religious organizations? How are the proceeds from the vakufs used? There was no clear answer to such questions. A commission was set up in April 1919 to specify the charter. The members of this commission also submitted their proposals on the article on the vakufs in the charter. Many of those who took part in the discussion argued that private ownership of land and other means of production had been abolished under Soviet law, and that vakuf property should also be confiscated. Speaking at a meeting of the Commissariat on May 9, 1919, G.P. Alferov, the head of the Commissariat's office, said: "In the text of this article it is very important to say about the liquidation of the vakuf's property, because the issue is, according to the social principle, the next task of the Soviet government"[3.62]. Alferov's opinion was also supported by Sushinsky, Karaulnikov and Norbotabekov.

S. Velunts, a member of the commission, commented on the management and administration of foundations: since the Soviet government is struggling against the old regimes and does not recognize them, then, of course, only the board should be left to manage the property of this or that foundation, and the trustees should be relieved of this task"[4.17].

Alferov and Sobberay agree with Velunts. At the same time, Sobberay said that the activities of the trustees have left a bad name.

Norbotabekov, a member of the commission, said: "In resolving the issue of foundations, it is necessary to take into account the existence of a law on the socialization of land, the transfer of state property to the state and the transfer of the entire land fund should be given to the People's Commissariat of Agriculture".

It is clear from the above documents that the members of the board of the People's Commissariat for National Affairs, heads of departments, officials considered it necessary to nationalize the lands of the foundation. The reason for such a "leftist" approach to the issue of foundations was that most of the staff of the People's Commissariat for National Affairs were Europeans who did not understand the social, economic and cultural policy of the Soviet government, but did not know the national policy of the Soviet government. He did not have a complete understanding of the local conditions. Therefore, he made various mistakes in resolving the issue of foundations, in determining the policy of the People's Commissariat for National Affairs.

The lack of clarity in the policy of the Government of the Republic of Turkestan on the issue of foundations has complicated the work of the governing bodies of the foundation. The practical work of the local bodies of the People's Commissariat for National Affairs and the state of the vakufs property in the republic demanded that this issue be resolved as soon as possible. The local branches of the National Commissariat of Affairs made mistakes and limitations in resolving the issue of the foundation due to the lack of clear instructions on the management of the vakufs property from the Center.

The statute of the Commissariat for National Affairs of the Republic of Turkestan prolongs the

determination of the legal status of foundations. The new statute of commissariat was not approved by the government. Due to the lack of clear instructions from the government on the issue of foundations, there were cases of exaggeration of local Soviet bodies, crossing the border. For example, according to the decision of the Andijan district executive committee of November 29, 1918, the vakuf property in the district was confiscated and leased [5.14]. Similar incidents occurred in other districts. The seizure of foundation property by government agencies was commonplace. Vakuf property in cities was often confiscated by utilities.

The procedure for electing trustees to manage the vakuf property of mosques, madrassas, and other religious organizations was also violated by local authorities. Instead of being elected by mosques and madrassas, in some places Soviet authorities began to appoint people among their supporters. According to the Kokand Workers 'and Peasants' and Muslims 'Deputies' Department for National Affairs on December 5, 1919, after the revolution, from January of this year, all previous trustees were removed from their posts and their Communist Muslims from the old city community were appointed in its place without the consent of the members of the foundation. Later, when the post of trustee became vacant, people from the same communist group were appointed to these positions.

During the first years of Soviet rule, no legal document on the foundation was adopted. Each department acted on the property of the foundation as it saw fit, and there was chaos in the field of foundations. The People's Commissariat for National Affairs, which was tasked with managing the foundations, confiscated the property. The commissariat did not manage the foundations in practice. The vakuf property was looted by Soviet authorities.

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