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### **Some issues of obtaining the citizenship of the Russian Empire by the Kazakh Khanate**

Today, despite the large number of works and data of domestic historians and other scientists who studied about the citizenship of the Kazakh Khanate of the Russian Empire, there are still different opinions about its causes and consequences. As an additional study of these and other issues, this article tells about the formation of the Kazakh Khanate in 1465 after the separation of the sultans Kerey and Zhanibek together with their subordinates and the submission to the Khan Abulkhair, after which the khanate power was perceived by the public consciousness as a symbol of statehood, historical continuity in the organization of society, and an integral part of the world order, a guarantee of the well-being of the entire Kazakh Khanate, and the influence of countries adjacent to the Kazakh Khanate at that time, the incessant attacks of the Dzungarian Khanate, which forced the Kazakh Khanate to make a difficult decision, which later influenced the life of the country, information about Abylai Khan, who managed to unite three zhuzs in the Dzungarian offensive, the actions of the Kazakh sultans, later the oath of the Russian queen Anna Ioanovna, the entry of the first Russian expedition into the Kazakh land, the construction of military castles, the place of the Kazakh country in foreign policy and general political and social actions in the future on the Kazakh land are given. As a result of the research work on this topic, it can be said that although the Kazakh Khanate obtained the Russian Empire, the Kazakh people always had their own attempts to gain independence, sovereignty and dreams of citizenship.

*Keywords:* Kazakh Khanate, Dzungarian invasion, Russian citizenship, Abylai Khan, khanate power, kazakh sultans, Igelstrom's reform, Orenburg Kirghiz Charter, uprisings.

#### *Introduction*

If we look at the life of any states that have existed in history, we can see that one of the main goals of people in building a society and forming a state is the creation of a state governed by the rule of law, which includes universal values. In addition, the main features of that legal state are the rule of law, guarantee of the rights and freedoms of the individual, compliance of the principle of separation of powers in the state, mutual relationship between the individual and the state.

Public consciousness perceived the khanate power as a symbol of statehood, historical continuity in the organization of society, and an integral part of the world order, a guarantee of the well-being of the entire Kazakh Khanate [1; 62]. As academician S.Z. Zimanov noted, the khanate power was passed down from generation to generation, and according to the law, the heirs were considered children, brothers, and grandchildren, although there were also deviations from the rules. Inheritance of power by Will was higher than recognition by law. The Will was made orally with the participation of religious people or tribal people, but its execution depended entirely on the large nobility. The official approval of the Khan was carried out at the National Assembly — kurultai [2; 103].

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There were no formal restrictions on the khanate power, but the field nobility had a narrow range of activities due to the fact that the Khan was given as much power as it took to maintain their security and privileges [2; 120]. Academician S.Z. Zimanov noted that the khanate power seems weak to those who evaluate it from the point of view of the European order. However, the khanate power, relying on the Supreme Sultan—the rich, ensured order and enforcement of laws in the state. Of course, it all depended on the personality of the Khan, who had such qualities as wisdom, justice, and heroism, and since it was considered that not respecting the Khan was not respecting God, the Khan could suppress the objections of some individual tribes [2; 120-121].

According to Zimanov, the weakness of Central Power affected its simple organizational structure, but the scientist shows the need to distinguish between the concepts of state and Central Power. State power in a broad sense is an existing system of power established by privileged groups in this society. In this sense, he is not weak in any way, but, on the contrary, he firmly ensures the role of the aristocracy in Kazakh society, says the academician. Therefore, it should always be taken into account which of the state or local authorities we are talking about in relation to other rulers from the point of view of the Khan — Sultans, biys, tribal leaders [2; 122].

As mentioned above, the khanate power depended on his personal abilities, respect and power. For example, Tauke, Abylai, Abulkhair, Zhangir and other Khans not only inherited power, but also received respect and recognition among the people due to their specific actions and reforms. S.G. Klyashtornyi and T.I. Sultanov, citing A. Levshin, say that the Kazakhs remember the golden age during the reign of Tauke Khan, and if we believe the Legends, Tauke Khan was really a genius, and in the Kazakh Chronicles he should be among the Solon and Lycurgus. He not only reconciled the tribes, but also left them many laws [3; 318].

Russian influence led to the emergence of new elements of socio-economic relations in Kazakh society. In the face of the new pressure, the khanate power could not stand because it was an old representative of Public Relations whose time had passed. The gap between the khanate power and society was growing, leading to a decisive day for the old system. According to Zimanov, the collapse of the khanate power was influenced by three real forces. The first was the actions of the masses of the people who openly opposed the Khan's rule; the second, deliberately relying on their support to use it from the very beginning, in order to eventually destroy the Tsarist Khans; the third, the pace of decentralization of power, which increased the crisis of the Khanate dictatorship. The fall of the khanate power was accompanied by the collapse of political institutions, such as the feudal Congress, popular assemblies, and so on, during the promotion of the role of the official apparatus [2; 156-157].

In Kazakhstan's foreign policy a special role was played by China with a population of about 300 million [4; 9], at that time, according to M. Tatimov, Kazakhstan was inhabited by only 2 million people [5; 33], but the main threat was from the Dzungarian Khanate.

#### *Methods and materials*

The methodological basis of the research work is the dialectical method of cognition of socio-legal phenomena and practical modern methods of cognition. In the course of the research, General logical methods of theoretical analysis, such as analysis, synthesis, generalization, and comparison, were widely used. At the same time, methods of legal analysis, clarification, and interpretation were used to solve the main tasks in the process of revealing the content. In addition, the research took into account the views of Kazakhstani legislation, scientific works of domestic and foreign scientists on the formation of a legal, democratic state in the state.

#### *Results*

The Dzungarian Khanate was formed in parallel with the Kazakh Khanate and existed until 1758 [6; 3], the main feudal Association of the dzungars was an Ulus consisting of a tribal union. Each of these tribal associations formed a military unit called honshun, which, at the request of the head of state, was able to allocate a certain amount of troops.

The organization of the Dzungarian state was based on a military model and, accordingly, was as flexible as the structure of the Mongol Khanate of Genghis Khan. The social and political pyramids are formed by the following system: kontayshi, Taishi — large feudal lords, Noyan — tribal leaders. A large role in the state was played by the lamas clergy. The supreme power was transferred by inheritance, and according to the oirat law of 1640, the inheritance was transferred from father to son in the Choros clan [2; 212].

Relations between Dzungaria and Kazakhstan have intensified due to systematic attacks. For twenty years, there have been military conflicts between the states that have not brought victory to any side. Dzungaria invaded Kazakhstan and Central Asia with all its might in 1723, after forming an alliance with the Qing Empire [7; 21]. This difficult period is known in Kazakh history as "aktaban shubyryndy" [8; 104].

In 1726, detachments led by famous batyrs and representatives of the nobility began to be formed in Kazakhstan. And in 1727, the dzungars were defeated for the first time in the Battle of the Bulanta River under the leadership of Abulkhair. The next battle took place in 1729 on the Land of Anyrakai near Lake Balkhash, which also ended with the defeat of the dzungars. From now on, hostilities will temporarily cease [7; 23].

We agree with the following statements of scientists who have identified these cases. The political situation was as follows: although the war temporarily stopped while the dzungars were dealing with internal issues, it was clear that the dzungars, having gathered their strength, would attack the Steppe territory again. In this situation, the Kazakh Khans had to make important decisions: 1) unite the heads of the zhuzs and personally prepare for a new war with Dzungaria; 2) seek refuge from the Chinese emperor and destroy the dzungars with their help; 3) ask Russia for citizenship and defeat the dzungars.

After the last victory of the Kazakh troops over the destruction of the dzungars, battles broke out in the region between the new feudal lords. The implementation of the first option was doubtful, since the threat from an external enemy could only temporarily consolidate the nation under one flag.

Asking for help from Chinese emperors, who had long been interested in the Southern Territories of Kazakhstan with abundant water resources and fertile land, without which the possibility of complete assimilation of Kazakhs with a small population made this option dangerous.

And the request of citizenship from Russia meant the loss of independence, albeit in the form of a protectorate, but compared to China and Dzungaria, Russia did not take active actions in the region, because they were dealing with their "Western" questions.

Of course, the Khan had opponents among the sultans who predicted what the consequences of the agreement on the accession of Kazakhstan to Russia would lead to, but it was at those times that there were no other ways to preserve the Kazakh statehood. [1; 214-215]. Therefore, it was decided to ask the Russian Empire for citizenship. On October 10, 1731, the Sultans Of The Great and small zhuz swore allegiance to the Russian crown, and on August 28, 1740, the Middle zhuz Khan Abilmambet and abyлай Sultan swore allegiance to the Russian crown in Orsk [8; 87-88].

After the return of A.I. Tevkelev, who was engaged in negotiations on the admission of allegiance, in 1734 the Ober Secretary of the Senate I.K. Kirilov made proposals to the Senate to carry out a number of measures to strengthen Russia's influence and position in Kazakhstan. In particular, he suggests starting the construction of city structures and Fortress networks.

On May 1, 1734, the Orenburg expedition led by Kirillov, who had broad powers, was formed, and his assistant was the translator of the board of Foreign Affairs A.S. Tevkelev [10; 98]. The tasks of the expedition included economic development of the eastern edges of the country and preparation for the use of their rich natural resources. Then the construction of the Orenburg line of military fortifications began intensively along the Or and Ural rivers [7; 29].

It should be noted that the agreement between Kazakhstan and Russia during the war with the dzungars did not provide for military assistance, but only guaranteed the security of the northern borders. The Kazakh Khans, who secured themselves from the Northern Territories, began to take an active part in the fight against the Dzungarian Khanate. At this time, internal conflicts begin in Dzungaria, in which the Qing Empire played an active role. It should be noted that Abylai, who has forever left his name in the history of Kazakhstan, played a huge role in the victory over the dzungars. He shook the pedestal of the Dzungarian Khanate not only with his sharp sword, but also with his mobile politics. According to I. Ya. Zlatkin, one of the candidates for the leadership of the Dzungarian state, Amursana, after a series of defeats, lived in the House of Abylai Sultan for about five months until 1756, preparing for a new battle for supreme power. [6; 454]. Abylai's wisdom lies in the fact that by supporting the resistance of one side, he overcomes the conflict between them in his favor and prevents his enemies from getting up on their feet.

It should be borne in mind that by obtaining citizenship of Russia, Kazakhstan has abolished its foreign policy independence, and all international legal acts and agreements have been concluded by the Tsarist government on behalf of Kazakhstan. And within the state of Kazakhstan, it was given complete freedom. [1;218].

Since the conclusion of the agreement, the Russian government did not lose time on the construction of fortresses and Cossack settlements along the major rivers of Kazakhstan and Siberia. They were built under the pretext of the safety of their inhabitants, but in reality they were a bridgehead for deepening colonization.

### *Discussion*

According to scientists, the kingdom was not known among the population, but actively interfered in the internal affairs of the Kazakh Khans, supporting the Khans and sultans who were flattering to the authorities, and, on the contrary, did not approve the Khans who were not useful to the government [1; 218]. The task of the kingdom was to replace the Khan-Sultanate power with its own Tsarist colonial apparatus by showing it negatively in the eyes of society.

Later, relations between Kazakhstan and Russia changed from the status of a protectorate to the status of a vassal. It meant taking the oath and making a binding promise on the part of the Kazakh rulers, as well as offering a pledge to the Russian authorities. Vassal subordination required the fulfillment of a number of tasks: ensuring the security of Russian trade caravans, collecting fees and taxes in favor of the sovereign state. At the same time, the historical significance of Kazakhstan's perception of Russia for the preservation of the Kazakh ethnic group and Kazakh national statehood should not be underestimated. "I don't know", he said... The Dzungarian Khanate was destroyed, a certain silence was established on the border with China, trade through the fortified areas of Kazakhstan intensified, elements of commodity and money relations began to enter, etc. [11; 35]. It should be noted that all this is the beginning of the planned and purposeful policy of the kingdom to eliminate the Kazakh national statehood.

During the reign of Catherine II, the Tsarist government took steps to subordinate the Nomads of the younger zhuz to an administrative territorial structure and manage the indigenous population on the example of the organization of Russian provinces. The case was entrusted to Baron I.A. Igelstrom, the ruler of Siberia and Ufa, through a special decree.

It is known that since Igelstrom's reforms did not give the expected results, the border court was closed in 1799, appointed from representatives of the Tsarist administration and Kazakh families of the younger zhuz to resolve Kazakh-Russian disputes and Inter-Tribal Affairs.

In 1806, the Rasprava, which was the governing body of three inter-tribal unions (Alimuly, Baiuly and Zhetu), was dissolved, which was subject to the reform of the border court in Orenburg. [12; 13].

According to B. Abdrakhmanova, one of the reasons for the insolvency of this reform was nomadic animal husbandry as a way of ownership, which did not recognize administrative and territorial stability. [12; 14]. At the same time, this process was hindered by the Nomads' distrust of Igelstrom's new discoveries, which were incompatible with their usual economic way of life. In the end, a thoughtless, hasty reform will fail.

From this period, we can see in the development of relations between Kazakhstan and Russia a clear purposeful policy of the Tsarist government aimed at finally changing the status of Kazakhstan as a colonial territory and destroying its national statehood.

M.M. Speransky immediately began his step by studying the weaknesses and strengths of the region in order not to take active action, but to make a certain decision. In general, having obtained materials and other documentary information collected by experts on the political and socio-economic situation of the Steppe region, Speransky concludes that the absence of international legal forms of objections to the Russian occupation of Steppe areas and the process of building fortifications negates the force of possible claims from the Kazakhs regarding the land. The absence of a contractual legal relationship to agree or disagree with the construction of the West Siberian network exempts the Russian government from responsibility for the legality of the construction of these networks. Further, Speransky points out that the only basis for increasing Russian influence in the internal affairs of the Kazakh lands is the legitimate existence of the Kazakhs as a body of the Russian Empire. The formal presence of Kazakhs in Russia makes it necessary to exclude it in real practice. He notes that the solution of the tasks set should begin with the abolition of the khanate power in the Middle zhuz as a representative of the public and state interests of the people. And, accordingly, the Russian authorities will have to adopt common legal provisions and organize the internal system of Nomad management themselves [12; 20-21].

We see that the kingdom began to carry out its plans with confidence among the zhuzs, whose authority among the ordinary people was reduced due to mutual wars and the struggle of the nobility for power.

In 1822, the "Charter on the Siberian kirghizs", developed by M.M. Speransky, was adopted. According to the charter, Siberia was divided into two parts: East-Central Irkutsk and West-Central Omsk. Western Siberia, along with the territories of the middle and great zhuzs of Kazakhstan, included the Tobol, Tomsk

and Omsk regions. This region became known as the "Siberian Kyrgyz region" and was regulated by the "Charter on the Siberian kirghiz" [1; 247].

According to the "Charter", the administrative-territorial structure of the middle zhuz included tribal and territorial features. The territory was divided into external and internal districts, consisting of parishes and villages. A total of 8 districts were created. Kazakhs were equated with Russian peasants in terms of legal conditions. Nomads were released from military service and were guaranteed freedom of religion. The nobility of the tribe had the right to managerial positions only by election. The Kazakh nobility, as well as in Russia, were exempt from corporal punishment [1; 247].

It was followed by the "Charter on the Orenburg kirghiz", which was developed in 1822 and approved in 1824. It was prepared by the Orenburg Governor-General P.K. Essen. According to this law, the khanate power in the small zhuz is terminated and the zhuz is divided into 3 parts according to their tribal structures. Each unit was headed by a ruler-sultan, through which the colonial administration sought to weaken the role of the Kazakh nobility, and not in the activities of the Tsarist government.

As in the Speransky charter, the border commission had more powers in relation to the inhabitants of its possessions. The Supreme administration under both charters was carried out by the governors-general. The heads of local government — the ruling Sultans, the parish governors and the village elders received their salaries from the colonial authorities and, accordingly, had to fully implement their policies in the region.

Comparing the goals and objectives of the two normative acts, we can say that they are similar, however, since the law developed by Essen focused on administrative and power approaches, all officials had to be appointed according to its charter.

These two normative documents begin to encroach on the biy court and Customs and legal institutions. As a result, all important criminal law institutions are transferred under the rule of imperial law. Gradually, the Imperial judicial system is formed [1; 250].

The only question that was not regulated in these charters was the question of land. For example, Article 177 of the Speransky Charter states that the land plots of nomads are owned not by an individual, but by a collective. And the rest of the land is considered empty. The legal status of the land will be clearly considered in subsequent documents in the "temporary and Field regulations" [13; 248].

It is known that the destruction of the Kazakh statehood together with the khanate power will not cause a counter-reaction among the population, but the government has long been ready for such a situation militarily. In historical and legal science, it is known that in those periods there were many major uprisings in the Steppe region. E.B. Bekmakanov said the following about it: "although if these struggles were at the end and separate, they played a role in uniting the forces of the Kazakh people against the Tsarist aggression" [14; 8].

According to the scientist, the uprisings of Syrym Datovich and Isatai Taimanov in the late XVIII and early XIX centuries began as a peasant war against their feudal lords and Russian colonialists. The uprising of Kenesary Kassymov will become the leader of the struggle for the restoration of Kazakh statehood [14; 9].

The echoes of the struggle for independence will continue for decades to come. For example, in 1835, in the south of the Steppe region, uprisings led by Zhan Khoja batyr took place. [13; 286]. In 1855-1858, major uprisings led by Yeset Kotibarov took place on the part of the Kazakh tribes that inhabited the western part of the Aral Sea. [13; 288]. In 1869, there were uprisings in the Ural region led by Hangali Sultan, bi Azbergen Munaitpasov and others, in 1870, major Adai uprisings took place on the Mangyshlak Peninsula and others. [13; 289-290].

It should be noted that the defeat of the regular armies of the Tsarist government, which prevailed in terms of the number of objections on the part of the indigenous peoples and in terms of weapons, was inevitable. But the sacrifices in these struggles were not in vain, they strengthened hopes in the resistance to the regime for the restoration of State independence, and the commanders of these uprisings remained eternal heroes in the historical stories, epics and poems of the Kazakh people, passed down from generation to generation.

In the second half of the XIX century, Tsarist troops invaded the Southern Territories of Kazakhstan, which at that time did not have time to join Russia, as well as the Khiva and Kokand khanates. The capture of the Southern Territories of Central Asia completes the last stage of complete colonization of the Steppe region.

#### *Conclusion*

Studying the above-mentioned circumstances, we can conclude that the acquisition of Russian allegiance by Kazakhstan was a forced measure for the preservation of the Kazakh ethnic group and Kazakh

statehood at that time. The current socio-economic situation and political fragmentation of the Kazakh khanates led to the gradual destruction of independence by a powerful state, and then national statehood.

The numerous resistance and insurrection attempts of the people, which were brutally suppressed and did not succeed, gave birth to heroes with whom subsequent generations connected their struggles and hopes for the restoration of national independence.

The Steppe and Turkestan territories, which became part of the Russian Empire, began to be drawn into close economic relations, which contributed to the future development of the region. This applies to the study of the subsoil of the region, the construction of enterprises, railway lines, education and science, culture, trade and other spheres of life of the population.

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### Қазақ хандығын Ресей империясының бодандыққа алуына қатысты кейбір мәселелер

Бүгінгі күнге дейін Ресей империясы құрамындағы Қазақ хандығының бодандығын зерттеген отандық тарихшылар мен басқа да ғалымдардың еңбектері мен деректерінің көптігіне қарамастан, оның себеп-салдарына қатысты әртүрлі пікірлер әлі де бар. Осы және басқа да мәселелерге қосымша зерттеу болған бұл мақалада Қазақ хандығының 1465 жылы Керей мен Жәнібек сұлтандардың қол астындағылармен бірге Әбілқайыр ханға бағынуынан бөлініп шыққаннан кейін құрылғандығы; қоғамдық сана билікті мемлекеттіліктің, қоғамды ұйымдастырудағы тарихи сабақтастықтың нышаны, сондай-ақ әлемдік тәртіптің құрамдас бөлігі, бүкіл Қазақ хандығының әл-ауқатының кепілі ретінде қабылдағанын; Қазақ хандығын қиын шешім қабылдауға мәжбүр еткен жоңғар хандығының толассыз шапқыншылықтарының қиын кезеңдерде көрініс тапқан әсері; жоңғар шапқыншылығында үш жүздің басын біріктірген Абылай хан туралы мәліметтер; қазақ сұлтандарының іс-әрекеттері; ресейлік патшайым Анна Иоанновнаға ант қабылдау мәселелері; қазақ жеріне алғашқы орыс экспедициясының келуі; әскери қамалдардың тұрғызылуы; қазақ халқының сыртқы саясаттағы орны туралы айтылған. Осы тақырыпта ғылыми-зерттеу жұмыстарын жүргізе отырып, Қазақ хандығы бодандық алғанымен, қашанда бостандық армандап, өз тәуелсіздігі мен егемендігін алуға талпынғанын дәлелдеуге болады және де осы туралы отандық ғалымдарымыздың ой пікірлеріне зерттеу жасалған.

*Кілт сөздер:* Қазақ хандығы, жоңғар шапқыншылығы, Ресей бодандығы, Абылай хан, хандық билік, қазақ сұлтандары, Игельстром реформалары, Орынбор қырғыздары туралы Жарғы, Уақытша және да-да ережелері, көтерілістер.

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## Некоторые вопросы, касающиеся получения Казахским ханством подданства Российской империи

На сегодняшний день, несмотря на большое количество трудов и данных отечественных историков и других ученых, изучавших подданство Казахского ханства Российской империи, все еще существуют различные мнения относительно его причин и последствий. В этой статье, которая послужила дополнительным исследованием на эти и другие вопросы, говорится о том, что Казахское ханство было образовано в 1465 г. после отделения Керей и Жанибека султанов вместе со своими подчиненными от подчинения хану Абулхаиру; что общественное сознание приняло власть как символ государственности, исторической преемственности в организации общества, а также как неотъемлемую часть мирового порядка, залог благополучия всего казахского ханства; о влиянии, отраженном в критические времена, непрерывных набегов Джунгарского ханства, вынудивших Казахское ханство принять сложное решение; о сведениях, касающихся Абылай хана, сумевшего объединить три жуза в Джунгарском наступлении; о действиях казахских султанов; о вопросах принесения присяги Российской королеве Анне Иоанновне; о вступлении в первую русскую экспедицию на казахскую землю; о возведении военных крепостей, о месте казахского народа во внешней политике. Проведя исследовательскую работу на данную тему, можно утверждать, что, хотя Казахское ханство получило подданство, у него всегда были мечты о свободе и о попытках обрести свою самостоятельность и суверенитет.

*Ключевые слова:* Казахское ханство, джунгарское нашествие, российское подданство, Абылай хан, ханская власть, казахские султаны, реформа Игельстрёма, Устав об оренбургских киргизах, восстание.

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