

IDEAS ON SOCIAL JUSTICE AND HUMAN RIGHTS IN BERDAH 'S WORKS

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Abstract

Based on the study of various sources, the political and legal views of the famous poet of the Karakalpak people, Berdimurat Kargabay uly (Berdakh) (1827-1900), are studied for the first time in the research literature.

An analysis of the political and legal views of Berdakh is carried out on the basis of the study of his works, which clearly reflect the events of political life, elements of the political system, the level of legal support in the life of the Karakalpak people in the 19th century.

It is concluded that, therefore, a special place in the state system is given to justice and the law in general, sincerely believes that strict adherence to legislative requirements, namely Sharia and traditions, in ensuring the rule of law in the state, human rights, women's rights, taxation issues and lives, crimes and the appointment of proportional punishment, water use will protect the country from troubles and problems.

The main values in Berdah's value system were patriotism, legality, justice and humanism.

Key words: Berdimurat Kargabay uly (Berdakh); political and legal views; Sharia social inequality; human rights; Crime and Punishment; "Zhety zhargi".

The whole life and work of Berdimurat Kargabay uly (Berdakh) (1827-1900) - the great poet and thinker of the Karakalpak people of the 19th century, is devoted to respect for human dignity, protection of human rights, creation of conditions for a good life, elimination of infringement of human rights. According to the thinker, a person should recognize not only his own, but also respect the rights of another person. He understood this as a manifestation of legal awareness. The poet in the poems "Nadan Bolma" ("Do not be a fool"), "Balam" ("My son"), "Kim aytar" ("Who will say") under human rights meant a set of relationships approved by citizens and binding on each of them, subject to security and protection from encroachment by other private individuals. Berdah believed that all people were created by God equal and should have equal rights, opposed the restriction of human rights and freedoms (Pirzhanov, 2014, p. 16).

Contempt for the poor was a frequent occurrence. Being an eyewitness of such relations, the poet, in the lines "Zharlyny ayaka baspak" ("Do not tread the dignity of the poor"), emphasized the need to protect their rights. In addition, the poet urged ordinary citizens to fight for their rights: "Zalymlardan Koryp bapa arkaka" ("Do not be afraid of tyrants, do not look back") (Berdakh, 1956, p. 152).

At the same time, considering the freedom of speech and thought to be one of the aspects of human rights, the poet paid special attention to their observance. In the poem "Eken" ("It turns out"), he writes that, as a result of discrimination, restrictions were imposed on freedom of expression "The tylen bolds of Kyskha were adopted" - "The long tongue became short" (Berdakh, 1956, p. 151). Critical of the inequality of people, he wrote that people, unable to claim their rights, "Saylei almay esti yni" -

“They could not utter words” (Berdakh, 1956, p. 152), called for the lifting of restrictions on freedom of thought and speech .

The thinker opposed social inequality (Anthology ... 1972, p. 673), put forward the idea that all people should live in an equal society, insisted on the need for justice, on the protection and guarantees of human rights, the poet writes: “Kayalyk-er gүdеj zhaynap ” (“ Both men and women bloomed like flowers ”). In the dastan “Tsar Samodur” (“Akmak patsha”), the poet speaks about the role of women in public life, about their abilities to assert their rights and freedoms (Berdakh, 1984, p. 49). He says that the policy pursued by some Padishahs in the past was tyrannical, unfair, some leaders of the society acted stupidly (Mamedov, 2007, p. 183). The thinker in this work was able to show that the majority of good deeds in the people can be carried out only with the participation of women, that women are the driving force of social development.

The poet believed that the state is obliged to recognize the natural rights of man, to reckon with them and protect them from any encroachment. Berdakh believed that by doing so the limit would be put on the lack of control and arbitrariness of state power, the boundaries of its influence would be determined, criteria for assessing the state would be put forward and its purpose defined - the realization of the “common good”, the protection of human rights.

According to the poet, kazi play a huge role in public life, especially in protecting human rights. Kazi should be appointed to the position of a person who has perfectly mastered the science of fiqh, has deep knowledge of Sharia, is able to find just solutions to problems. In the works “Shezhire” (“Family Tree”) and “Khorezm”, the poet writes that the reason for the greatness of the ancient Khorezm state throughout the world lies in the government and administration of justice exclusively in accordance with Sharia.

About this, he writes: “Kazakhs horde, Kazakhs-kalan, Ulur төre-alam yishan. Xaq səriyat, pаnuran kalam, Diyni Islamic һуғаты (“Kazi horde, kazi-kalan, Great Ture, Venerable ishan, Sharia law, the Word of the Koran - The Power of Religion Islam”). Sharia norms are the main force of the state, the religion of Islam “Shariatdur dinni kirki” (“Shariyat is the beauty of religion”).

Berdakh writes about the obligations of the Kazi and the Torah to fairly resolve disputes arising, if the Kazi is not able to make a lawful decision, then he is not worthy of the position of “Kara Qyldy qaq zharmas, Kazy bolyka ılaıqymes” (“If he cannot find a middle ground”, then he not worthy to be a kazi ”) (Berdah, 1956, p. 135). In addition, the poet gives a criterion that a candidate for the position of Kazi must meet, namely, the ability to fairly solve any problem of complexity “Tuyilgen daǵdy shespes, Ona Kazy dep kim aytar” (“Who will call him Kazi, if he cannot resolve the dispute”).

The thinker in his era was an eyewitness to the unjust actions of some Kazi. In the poem “Gurdishi” (“Oscillation”), he criticizes the actions of some kazis that violate the rules of Shariah law: “Kazylardan insap ketti, Kanikaka Kylap getti” (“Kazi lost conscience, does not observe the law”) (Berdah, 1987, p. fifty).

Berdakh, in addition, emphasizes that it is not necessary to treat Sharia as a fixed science, supports the adoption by the representatives of science of fiqh of independent decisions based on the essence of the specific problem “Alym (fıx alımlıra) sözi səriyatdur, Duǵ jahanda sharapatdur” (“The word of the Sharia is , World beneficence and honor ”), believing that their fair opinions should be perceived as Sharia norms. Given life circumstances, he considers it necessary to be creative in Sharia.

Berdah in his works raises the problems associated with taxation. The thinker, realizing that the main source of replenishment of the treasury of the khanate are taxes levied on the people, devoted to this issue the work "Salyk" ("Tax"), which deeply reveals the problems regarding the economic and legal life of society (Berdakh, 1987, p. 71). Moreover, in the era of the poet's creation, "The Salykim" was abolished - the "food tax", instead of which was set "salgyrt" or a monetary tax: "Malyzz zarlylarra tsti kp salgyrt" ("A large sum was imposed on the poor who do not have livestock tax ") (Berdah, 1987, p. 144).

Berdah calls on the khanate, which has collected numerous taxes, to send a certain part of them to the improvement of the people, evaluating the actions of the khan, who has robbed the people, "Alasyssyn artyk alip, beresisin bermegenin" - "who collected more than was laid down, did not allocate a small share" unjust.

Moreover, the thinker in the Aydos Baba dastan, discussing the obligation to pay the zhuzia tax by the people living in the region, writes that the Karakalpak people were obliged to pay a tax of 20 thousand till (gold) to the Khiva Khanate every year, the difficulties of paying such a large amount of people were constantly starving, "Ashlykan zhalsykan emes."

In addition, after the capture by the Russians (History ... 1986, p. 47), the Khiva khan gave them the authority to collect their lives: "Birdie kafirlar's lives, shund the bolds of Ahibeti" ("I gave the right to collect" zhuzia "to Gentiles, and these are the consequences") (Berdah, 1987, p. 123). The poet was a supporter of fair taxation.

In the era of Berdakh's creation, especially urgent problems in the life of the Karakalpak people were associated with digging canals (cleaning irrigation canals) and a system of rational distribution of water for irrigation. To break through the channels subordinate to the khanate, for each season the Karakalpak people were obliged to provide the Khiva khan with 6 thousand people (Yuldoshev, 1959, p. 72), one digger for three families. Berdah wrote about these forced actions: "Köp adamdy salyp zholıa, ýgazydaa aydady bırxıa" ("Many were sent on the road, they drove for digging").

The poet, emphasizing the injustice of actions to compulsorily involve the population in digging channels, especially criticized the misconduct of the mirabs. To the diggers who did not provide a bribe, they entrusted more hard work. They drove the weakened workers with rods: "Tiidi muraptyñ bahany, Jedi tayayty zhazysyz" ("They got it on the head, suffered without guilt") (Berdakh, 1987, p. 50). At the same time, the poor people, deprived of water supply for the irrigation system, started the sowing campaign "Aspekti asha zhedi tayak, Murap boldy өңscheñ sayak" late. Emphasizing all these circumstances, the thinker advocated the establishment by the state of an order for equal water use based on the norms of tradition and Sharia.

Berdah expressed his views on the issue of crime and punishment for it. The thinker, first of all, calls for the adoption of appropriate measures to prevent crimes and offenses, warns that "recklessness will not bring to good" - "Oılanbastyñ Tbi Kairan", that "everyone should know the law, make the right speech and follow the right path ", «Әлпайым болып, жүрер жолын, сөйлер сөзин билиўи керек».

In the matter of sentencing, the thinker adhered to the ancient principle of talion – «қанға қан, жанға жан» - «blood for blood, soul for soul »("Amangeldi ") (Berdah, 1987, p. 167]. Although Berdah, based on the circumstances of the public life of that period, had a positive attitude to punishment of this form, at the same time he was a supporter of the replacement of such punishment more humane view, as material compensation, supported the consideration of most criminal cases under civil law.

Berdah discusses the types of punishment: «Ақ үйли»-ссылка, «Сазайын тарттырыў» - public punishment with shame. The thinker cites many other forms of punishment of his time as an example: he was thrown into a zindan (dungeon), executed by hanging, tied to a horse, mounted on a donkey backwards, given to the dogs for torment, cut off his ear and nose, evicted, left without food and water, did not call for celebrations, etc.

The poet demanded that punishments be applied only after full proof of the guilt of the suspect in the commission of the crime, urged not to allow the prosecution of an innocent «Бийгүнә гелле кесилмеўин» (Berdah, 1998, p. 37). He especially emphasized that only the person who committed the crime should be punished, while others should not be held responsible for his misconduct. He was a supporter of punishment solely in accordance with Sharia and traditional law. «Жети жаргы» (Maimakov, 2000, p. 61], advocated the application of a fair proportionate punishment, respect for the principle of equality, and called for the prosecution of even the most ruling Padishah if he commits a crime («Ақмақ патша» - «Samodur king»).

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