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Origins of the contract relations for the right to Kazakh customary law

This article examines the legal framework of contractual relations in the traditional society of the Kazakhs. In particular, the article characterized by basic period development of contractual relations in the Kazakhstan society. We consider such rules, as property law, military law, criminal law, the rules relating to the rules of the people, reimbursement rules harm, ambassadorial position etc. Also in the article reflected «Zheti Zhargy» rules aimed at regulating all areas of domestic relations of the Kazakh people, are some of the types of compensations.

Key words: Customs, Zheti Zhargy, Kazakh society, the controversy, sources of contractual relations.

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Бұл мақалада дәстүрлі қазақ қоғамындағы шарттық қатынастардың құқықтық бастаулары ашып қаралады. Атап айтқанда, қазақ қоғамындағы шарттық қатынастардың дамуының негізгі кезеңдері сипатталады. Мүлік заңы, қылмыстық заң, елдің тәртібіне қатысты жоралғылар, Құн тарту жоралғылары, өкілдік ережелері және т.б. сияқты нормалар қарастырылады. Сонымен қатар, «Жеті жарғының» қазақ халқының барлық тұрмыс тіршілігін реттеген нормалары сипатталып, құн өтеудің кейбір түрлері талдау алды.

Түйін сөздер: әдет-ғұрып, Жеті жарғы, қазақ қоғамы, даулар, шарттық қатынастардың қайнар көздері.

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Правовые источники договорных отношений по казахскому обычному праву

В данной статье рассматриваются правовые основы договорных отношений в традиционном обществе казахов. В частности, в статье характеризуются основные периоды развития договорных отношений в казахском обществе. Рассматриваются такие нормы, как имущественный закон, военный закон, уголовный закон, нормы, относящиеся к правилам народа, нормы возмещения вреда, положения послов и т.д. Так же в статье отражаются нормы «Жеті жарғы», которые направлены на регулирование всех сфер бытовых отношений казахского народа, приводятся некоторые виды возмещений.

Ключевые слова: обычаи, Жеті жарғы, казахское общество, споры, источники договорных отношений.

**ORIGINS OF THE
CONTRACT RELATIONS
FOR THE RIGHT TO
KAZAKH CUSTOMARY
LAW**

Contractual relations in traditional Kazakh society are one of the fastest growing phenomenon since ancient times. Therefore, the relations of the contract go back to the origins of the ancient periods. History, the territory of Kazakhstan, togiz zhol toraby, was the root of the main arteries of the Silk Road. Contract, respectively, and the rapid development of trade relations in a wide range of clothes. Origins of the contract with the Kazakh society relations Hun, after the rise of the Turkish eras that have settled in the era of Kazakh. The period of the formation of a contract with the death of the traditional society relations can be seen from the period of the following two:

The first stage, protokazakh society that is the traditional Kazakh society of the formation and development of the Institute of the contract. If you look carefully, Hun, Uysun from the age of Kazakh society Orda state, the capital of the Altyn Orda, Nogai Orda, etc. are important to have been developing a variety of circumstances,.

In the second period, the development of the traditional relations of contract with the Kazakh society. This feature of the contractual relations of the period, its rules and institutions established and defined period of time.

Traditional Kazakh society contracts with the legal regulations of the Khan Era at the forefront of large and small, to develop a multi-faceted. Kazakh steppes several legal reforms have been implemented. Kassym Khan, one of the first of them for a short time, known as the legal classification.

The law under the provisions of Kassym Khan was based on the following:

- 1 The law of property / Land dispute / Property.
- 2 The law of the crime / theft, murder, robbery, herbs /.
- 3 Military law / hamster objective of the camp, Kara Kazan, the cost of men, horses /.
- 4 Embassy practices / great eloquence, courtesy of the international communication, clock/.
- 5 Public law / Shulen tartu, toi, holidays over rules, zhasaul, bekeuul, tasks of tutkauul/ [1, 295 p.]. And, in the space of Khan Laws passed amendments to Yessim Khan. Kassym Khan not reaches us in the form of laws. Nevertheless, in the right Kazakh customs agreement could only be the beginning of the relationship.

In the opinion of B.Zh. Kuandikov expressing its structure have

the following thoughts: Yessim Khan Put in one of the oldest rituals over time, depending on the pace of new beginnings. Therefore, it is the people's memory, «yeski zhol» is set. Legends reached us so far, by analyzing data from the old to the same period of the Kazakh believe that the following additions and amendments to the law of the land.

I The first order of the country practices / Khan command, warrior, priest, the status of the dance /.

1 Value superstitions / performance value, at the cost of bone and business management /.

2 Practices related to the widow / amengerlik and how to resolve the dispute, a widow /.

3 Rituals of punishment / penalty, the order of cattle punished by the penalty and / [2, 84-85 pp.]. The above laws, a spoon, and the time of the reforms of the Yessim and Tauke back, added. Tauke Khan did not reach us in the form of a set of laws. However, in its various versions. According to the charter works Kazangap Bayboluli seven songs are given from the following channels:

The first report of the land dispute,
Land creates their own business.
Who took the place of conflict,
Penalty it as a priority to someone in person,
Family and child grows-
Zhosin law in the second.

Theft, Karluk, stock – the third law,
Bayan man who knew everything we do.
This is considered as the fourth law,

One of the people and the other is to create a conflict.

Fifth in the nation against the enemy lead,

Sixth, seventh – the cost of dispute, the widow of the dispute,

Khan's name day was difficult.
These come off as hard.

The man is accused of murder,
Kasim Khan and Khan this space.

Take a temple in the middle,
Spoil of the house would not be healthy.

Tauke Khan and bi easier,
Seven fined if you want to force.

Black was cut in October,
Shoot into the temple.

The other to the black folk,
About high-resolved.

And then Tau, Turkestan,
Let the same man is now dead.

Black gun,
Said that a large force of arms.

Black sawn mare -fourth
It is a sign of the killer losers.

He is a man who puts on the body,

Orphans from the black carpet in the sixth,
Delivered with nine species.

The widow of the seventh to nine,
Brown murdering.

He was the seventh widow dispute
If God was separated from his wife.

And in the following three charges against the nine,

Start and animals.

Zhamby pay for the first nine

And led by nine after a meal.

Nine camels from the third,

Outside the thick of animal report.

Girl wearing beads to leave at that time,

Tribe closed penalty to see the country.

Is the widow of one of the goats, Dulat

Elders, who left [3, 207-208 pp.].

Some publications seven of the charter states:

The first major industry sectors – land dispute.

Extreme winter, move to summer pastures, cattle from the country who had been caring for the well child to share leave it as a legacy. Because Atameken, the navel and the people of the motherland. – Certainly, the common grave of the woman in the middle of life, rich seat of the sacred and the navel. Therefore, there is nothing for the nomads from the holy. There is no hard collision with the land dispute.

Second home tasks respect of the industry, the dependence between father and son and daughter-in-law into relationships between large and small respect for parents, youth, education, training and integrity, moral measures. Because «the age of the child» adhere to the principle that the people teaching your son or daughter respect moral qualities are flexible.

Prevent third item in stock and sirimta gruff and theft, and to invite the public integrity, a chain of labor laws to adjust to existence. «The wicked perish honestly do not eat» my opinion should be formed at the same time.

The fourth article of the Constitution of the country and the people of the country and the people, tribes and between the tribes to resolve disputes with justice. Managing the integration of the country does not dispute intention to terminate the power of truth. Because of Kazybek bi life and witness to the truth. So this is the point in the Kazakh steppe, is no doubt that it is of great importance for the Kazakh children.

Article Five of national unity, national security, the fight against the external enemy, the creation of the group, say the election of Sardar dairy aggressive wars, such as coverage of major events in the range of rules and principles to be missing.

The sixth item to the value of the whole dispute. «Vendetta», «bloody neck», «ancient enemy», the «old enemy» in terms of abuse and violence created to soften an already easy more wind blowing, heart, close to the enemy. Enlargement of death to death, managed to save the good wishes and act to defend the values of life.

Seek more evidence. Kassym and Yessimkhan's customary laws in the middle of the roof of the murder culprit are removed, the entire black forest is nothing to spoil thickness talent, and he was sentenced to death. «Seven of the statute», «it is quite relieved from the punishment of the dispute». Blood, blood, by eliminating the cost of imposing the penalty paid. And he was charged with seven charges. They are as follows:

The first penalty – the «Kara Kazan» payment. Kara Kazan, the culprit to pay the family from the middle of the sign.

A second charge of «black folk». If a black man who died famous people was brought to Turkestan.

Blamed for the «black rifle». Black gun – the elimination of weapons to force the offender. In addition, it will be equal to the copper.

Fourth penalty – the «black mare trimming». Black sawn mare culprit symbol clearly priced.

Fifth penalty – the «black carpet flip». Black carpet was a flip view.

Sixth accused of «orphan». It cannot be mixed – points start.

Seventh charge «led by the widow of nine ship-

ping». It is a mixture of blood and sex, the brothers considered the beginning of a lint-free.

Of course, the charges we made the decision to stake everything in hand already saying do not. Resuming incorporate reached us only offer the project. No argument there is other options if you change the resistance of others.

«Seven of the statute, the latest in the seventh paragraph of the street». This item consists of the collision with the widow of the whole. Of course, it is time to create and tribes that combined agriculture and rural areas and the separation of the dispute became a widow. God's breast to match the mood and warm as Kazakh girl voice, by the widow of the dispute in favor of the screams from the horse's hammer, the skirt, the stock shot up borates, out of the dust, torn, broken forearm, drain the blood, far, the fight will go to battle monstrous war. Therefore, one of the most vulnerable aspect of the light line a lot, cry a lot of conflict, fighting a pay dispute three dance widow, Tole, Kazybek, Ayteke's «Zheti zhargy» is focused on hard [4, 73-74 pp.]. Kazakh agreement on the right of the people is tired of this place the beginning of the basic legal norms. Seven of the charter that many normal relations, disputes regarding contract was only the beginning of the solution.

Finally, I would say that from the analysis of a small legal basis for an agreement on the right to Kazakh relations, has its origin in ancient times, and legal relations in the context of that differentiation, we can see that it has.

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