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**THE IDEA OF UNITING THE TURKIC PEOPLES
IN THE POLITICAL AND LEGAL VIEWS OF THE FIGURES OF "ALASH"
ZHAKHANSHI DOSMUKHAMEDOV AND MUSTAFA SHOKAI**

Abstract. *Among the many progressive ideas of the Kazakh intelligentsia, the idea of uniting the Turkic peoples is of particular interest, which is reflected in the political and legal views of Zh. Dosmukhamedov and M. Shokai. In the article, the author considers the idea of unification of the Turkic peoples in the political and legal views of J.Dosmukhamedov and M. Shokai, who are representatives of the Kazakh intelligentsia of the early twentieth century and figures of "Alash". They fought for the freedom of their people and became the harbingers of the independence of the Republic of Kazakhstan.*

Keywords: *state, politics, law, independence, Turkic peoples.*

Introduction

31 years have passed since Kazakhstan gained independence, but history still holds many facts about freedom fighters. It was on December 16, 1991 that the Supreme Soviet of the country adopted the law "On Independence and State Sovereignty". However, the ideas of Kazakhstan's independence were raised at the beginning of the twentieth century, during a difficult period in the history of mankind. This time was characterized by the strengthening of revolutionary movements and a democratically minded Kazakh intelligentsia appeared in the political arena – Alikhan Bukeikhanov, Akhmet Baitursynov, Mirzhakyp Dulatov, Mustafa Shokai, Khalel Dosmukhamedov, Zhakhansha Dosmukhamedov, Mukhamedzhan Tynyshpayev, Zhakyp Akpayev and many others. The state and legal views of these politicians, "Alash" figures, democrats and humanists were aimed at educating the Kazakh people, their cultural development, ensuring freedom and the right to choose, the formation of an independent national state on the territory of contemporary Kazakhstan.

Today, the study of the creative heritage and ideas of "Alash" figures has become relevant. Therefore, the article was prepared on the basis of new archival documents during the work of the State Commission for the Rehabilitation of Victims of Political Repression, which was established by Decree of the President of the Repub-

lic of Kazakhstan Kassym-Jomart Tokayev [1]. We have studied the documents stored in various funds of the Archive of the President of the Republic of Kazakhstan, the State Archive of the Almaty region, the Central State Archive of the Republic of Kazakhstan, in the Specialized Archive of the Almaty Police Department, as well as in some archives of foreign countries.

Kazakhs, like many Turkic peoples who lived on the outskirts of Russia, did not have broad political, civil rights and freedoms. In connection with the resettlement policy organized by the authorities, the indigenous people began to lose their rich and peculiar history and traditions, as well as the laws by which they lived for many centuries. There is an active process of formation of the national elite in the country, the rise of self-consciousness of the people and the development of political and legal thought. The national intelligentsia raised questions about social guarantees of human rights and freedoms, the rule of law, the form of government in the country and the political regime of the state.

Among the many progressive ideas of the Kazakh intelligentsia, the idea of uniting the Turkic peoples is of particular interest, which is reflected in the political and legal views of Zh. Dosmukhamedov and Mustafa Shokai. The Turkic peoples are consolidating, Muslim congresses are being convened, and a Muslim parliamentary faction is being formed as part of the State Duma of Russia. As Deputy Chairman of the All-Russian Muslim Council, Zh. Dosmukhamedov directed all his legal knowledge and extensive political experience to the unity of the Muslim peoples of Russia. From the high rostrum of the All-Russian Muslim Council, he raised the problems not only of the Kazakhs, but also of all Turkic and Muslim peoples, sought to solve their problems. He also defended the idea of focusing on Uzbeks, Turkmens and Turkestan in general, as a region related to the composition of the population, and proposed to unite all the Turkic peoples of Russia. Therefore, Tashkent was proposed as the capital, and not Semipalatinsk.

Mustafa Shokai also stood on the positions of unity of the peoples of Turkestan. He noted that the Turkestan peoples include Kazakhs, Uzbeks, Turkmens, Tajiks and Karakalpaks. However, unlike Zh. Dosmukhamedov, the political ideal for M. Shokai was the state structure of Turkestan as a federation of Turkic peoples. Therefore, the author in the article reveals the political and legal views of these two political figures, whose ideas are of interest to the Turkic peoples and are progressive in nature.

Materials and methods

The methodological basis of the study was made up of general, private and special methods. The dialectical method allowed us to consider the state-legal views of Zhakhanshi Dosmukhamedov and Mustafa Shokai in development. Also, the research methodology is based on the analysis of regulatory and legal acts of the Republic of Kazakhstan, the study of the works of Kazakhstani and foreign scientists on this issue. To conduct research on this topic, a set of philosophical, general scientific and special scientific principles and methods of cognition was used. Among the general scientific methods, logical, historical, systemic, sociological and other research

approaches were involved. Analysis and synthesis contributed to the identification of system-forming aspects of the problem under study.

Historical and systemic approaches have determined a comprehensive and comprehensive coverage of the problem under study in the dynamics and genesis of its existence. The views of Zhakhanshi Dosmukhamedov and Mustafa Shokai on the state structure and law, the established regime of Soviet power were analyzed. The sociological method made it possible to use fragments of photo documentation, surveys, and conversations with people close to them in the work. The author used a whole range of special methods, among them such as: comparative legal, logical-legal method of generalization. The comparative legal method was used to identify analogies in the state-legal concepts common in that historical period.

Results and discussion

The Kazakh intelligentsia defended the fundamental democratic principles, sought to establish a legal system in the country, grant political rights to citizens of the country, put forward the ideas of freedom, the rule of law and democracy. Among the outstanding sons of fighters for the independence of our state were Mustafa Shokai and Zhakhansha Dosmukhamedov. M. Shokai is a Kazakh public and political figure, ideologist of the struggle for freedom and independence of United Turkestan (born December 25, 1890). In 1916, on the recommendation of the leader of "Alash" - Alikhan Bukeikhanov, a former member of the State Duma from the Cadet Party of the Russian Empire, he was appointed secretary of the Muslim faction of the State Duma; he was a member of the commissions dealing with the problems of local residents. In addition, he prepared materials related to the Turkestan region and during his work in the State Duma M. Shokai met prominent figures of the Muslim national movement. These are the future Prime Minister of the Bashkir Autonomy Akhmet-Zaki Validi, the Azerbaijani figure Alimardanom Topchibashev, the representative of the North Caucasus Ahmed Tsalikov and other prominent deputies [2].

Zhakhansha Dosmukhamedov is a professional lawyer, public and political figure, and chairman of the Western Branch of Alash-Orda (he was born in 1887). The figure of this politician stands out especially among the figures of "Alash" and the government of "Alash-Orda", who represented the color of the Kazakh nation. The life and social activity of a professional lawyer, a talented organizer and a brilliant leader Zh. Dosmukhamedov remained unexplored for many decades of Soviet power, and his creative legacy and state, as well as legal views were not the subject of special research [3]. The Kazakh leader was repressed by the Soviet authorities established in Kazakhstan; he was shot on August 3, 1938 and buried in a mass grave in Butovo, in Moscow (Russia).

In 1916, on the recommendation of Alikhan Bukeikhanov, a member of the State Duma of the Russian Empire from the Cadet Party, Mustafa Shokai was appointed secretary of the Muslim faction of this Duma. While in this position, he prepared materials related to the Turkestan region, and was a member of the commissions dealing with the problems of local residents. He also created the organization "Turkestan Unity" to unite the peoples living in the Kazakh region, even prepared to

run for elections to the State Duma as a deputy from Bashkiria. It is known that representatives of nomadic peoples were deprived of representation in Parliament after 1907. To do this, the Ufa landowner Zhanturin gave him an allotment of land, but these plans did not come true. The last work of Mustafa Shokai in St. Petersburg in 1917 was the solution of issues related to the inspection of the situation of Kazakhs mobilized for rear work.

During the February Revolution, Mustafa Shokai, along with other deputies of the Muslim faction, at the request of Bukeikhanov, had to go to the front to help the Kazakhs. In April 1917, M. Shokai came to Orenburg for the First General Kazakh Kurultai. It discussed the return of the seized lands to the Kazakh people and the creation of national self-government bodies. After the congress, Shokai, together with his countrymen from Turkestan, left for Tashkent to participate in the regional congress of public organizations, where the issue of governance of Turkestan was being resolved. Following the results of the congress, the Turkestan National Council was formed. M. Shokai became the chairman of its executive body. He was also one of the leaders of the Shura-i-Islamiya party and the editor of the Birlik Tuy (Banner of Unity) newspaper.

In July 1917, Mustafa Shokai took part in the First All-Kyrgyz (All-Kazakh) Congress in the city of Orenburg. The foundation of the Alash party was laid on it, and preparations for the elections to the Constituent Assembly began. At Kerensky's insistence, on August 31, 1917, Mustafa Shokai was elected a member of the Turkestan Committee, a new body for the administration of the region.

Speaking about the political and state views of Mustafa Shokai, it can be noted that he and his supporters advocated the creation of a single and indivisible Turkestan state (originally an autonomy), which could include several autonomous uyalats. By the beginning of the 20th century, the Turkestan Region (then called the Turkestan Governor-General) was a vast area in Central Asia, including the territories of modern Kazakhstan - South Kazakhstan, Kyzylorda and Mangistau regions, as well as the territories of Uzbekistan, Turkmenistan, Kyrgyzstan and the northern part of Tajikistan. Uzbeks, Kazakhs, Kyrgyz, Tajiks and Turkmens, as well as Russian immigrants lived in this territory.

Mustafa Shokai supported the idea of uniting the Turkic peoples on the basis of a common culture, history, religion and similar languages and uniting them into a national democratic state. He called himself "a democratic nationalist" and noted that the Turkestan peoples include Kazakhs, Uzbeks, Turkmens, Tajiks and Karakalpaks. The most numerous are the Kazakh people, who are mostly nomadic: "They own vast territories rich in minerals, in particular copper, coal, oil, lead, gold, silver, as well as precious stones... Uzbeks mostly live in cities, are engaged in trade and art. They are highly cultured and hardworking. Turkmens are a warlike people, they live in the mountains, they are also engaged in gardening, silk production. All these peoples are Muslims, they speak Turkic languages, only Tajiks speak Persian" [4, p.104]. However, unlike Zhakhanshi Dosmukhamedov, the political ideal for Mustafa Shokai was the state structure of Turkestan as a federation of Turkic peoples. Switzerland served as a model for him, as a classic version of the federal state system.

M. Shokai and other founders of the Turkestan autonomy at the beginning of their political activity sought to maintain ties with Russia, which was the reason for kazakh region considering the possibility of the existence of autonomy as part of a democratic federal republic. But later, in 1923, while in exile and speaking in Paris, Mustafa Shokai expressed disagreement with the policy of the Bolsheviks. It also raises the issue of the formation of a federation of Turkic peoples.

In emigration, he focused his journalistic activity on the true situation in Soviet Turkestan, a new form of colonization by the Bolsheviks, famine in the Kazakh region and the extinction of millions of Kazakhs. He widely informed the European public about this. Kazakhs expressed dissatisfaction with the policy of the Soviet government, only after its establishment on the territory of Kazakhstan there were 372 uprisings of the people, millions of Kazakhs died from artificially created hunger. New archival documents, previously classified, are still stored in the archives. The State commission for the rehabilitation of victims of political repression is currently working in Kazakhstan and I am studying previously inaccessible archival documents as the head of the working group on the "Alash".

The Soviet government imposed various labels, M. Shokai was declared by the Soviet government a "pan-Turkist", "agent of the world bourgeoisie", "enemy of the people", "accomplice of fascism". He was also accused of creating and leading the Turkestan Legion, allegedly with the aim of using it in the war with the Soviet Union.

The name of another great son of the Kazakh people – Zhakhanshi Dosmukhamedov is inextricably linked with the idea of creating an independent state on the territory of Kazakhstan. A graduate of the Ural Military School, and then one of the best educational institutions in Russia – the prestigious law faculty of Moscow Imperial University, one of the leaders of the «Alash» Party and the «Alash-Orda» government, head of the western part of the «Alash-Orda», deputy chairman of the All-Russian Muslim Council, prosecutor, high-ranking lawyer, civilist, a far-sighted politician, a talented organizer – all this is Zhakhansha Dosmukhamedov.

He was interested in the development of legal knowledge in Western states and was particularly interested in political and economic sciences; he graduated with honors from the Faculty of Law of the Imperial Moscow University and focused on the study of Kazakh customary law, the views of Kazakh thinkers who put forward the ideas of preserving national identity, ethnic integrity of the people, justice. Working in the Tomsk City Prosecutor's Office, Zh.Dosmukhamedov defended, first of all, the rights of citizens and political prisoners.

With the beginning of the February Revolution of 1917, he took an active part in the socio-political life of the country: he was elected deputy chairman of the All-Russian Muslim Council and its Executive Committee (Tsalikov became its chairman). A special role in the unification of the Muslims of Russia belongs to him: he was elected deputy chairman of the All-Russian Muslim Council, a member before Parliament of the provisional council created under the Provisional Government. Active participation of Zh. Dosmukhamedov participated in the organization and holding of special meetings, congresses of Muslims dedicated to the development of the law on the Constituent Assembly.

Of particular interest are the thinker's reflections on the origin of the Kazakhs and the Kazakh statehood. He does not agree with researchers who interpret the state of the Kazakh adat as "chaotic", calling it a "conglomerate structure". The thinker conducts a philological analysis of the word "Uzbek", warns that "Uz" and "Bek" consist of two parts. "Uz" means "himself", and "bek" means judge, that is, judge for himself, master. Scientist E.M. Abaydeldinov in his book "Political and Legal history of the Republic of Kazakhstan" writes: "The etymology of the word "Uzbek" is not fully clarified. Some scientists believe that the appearance of the ethnonym is associated with the name of Uzbek Khan (1312-1340). Others argue that this is one of the common self-names of the Turks: "my own master". It is known that even during the reign of Tamerlane, Uzbeks were not called the population of Transoxiana – the territory where Tamerlane ruled, but the subjects of Tokhtamysh, with whom the Mongols sought an alliance against Tamerlane. In historical literature, the prevailing opinion is that the name "Uzbek" was used in the second half of the XIV–XV centuries as a collective political term, and not an ethnonym for the designation of the Turkic and Turkized tribes of the Eastern Desht-i-Kipchak (Kazakhstan), which are part of the Juchid Shaibani and Orda-Yezhen uluses, and then – the state of nomadic Uzbeks and Ak Orda (or Kok Orda)" [5, p.94].

Turkic peoples, so Tashkent was proposed as the capital, and not Semipalatinsk. Among the many advanced ideas of the Kazakh intelligentsia, the idea of uniting the Turkic peoples stood out. This was the case in the political and legal views of Zhakhanshi Dosmukhamedov and Mustafa Shokai. As Deputy Chairman of the All-Russian Muslim Council, Zhakhansha Dosmukhamedov directed all his legal knowledge and rich political experience to unite the Muslim peoples of Russia. From the high rostrum of the All-Russian Muslim Council, he raised the problems not only of the Kazakhs, but also of all Turkic and Muslim peoples. He defended the idea of governing Uzbeks, Turkmens and Turkestan as a whole as a region related to the composition of the population and proposed the issue of uniting all the Turkic peoples of Russia. Politician Zh. Dosmukhamedov was elected deputy chairman of the All-Russian Muslim Council at the All-Russian Muslim Congress in Moscow in May 1917. The All-Russian Muslim Council sought to strengthen not only the Muslim population, but also relations between Muslims and Turks. The agenda of this congress (held in Moscow from May 1 to May 11, 1917) included the following main issues: the form of government and the problems of the outskirts of Russia; agrarian; the status of women; cultural and educational; about the working class; religion and spiritual organization; the creation of the armed forces.

An important factor in the unification of the Turkic peoples, including the Kazakhs, is the issue of preserving traditions and customs. According to lawyer Zh. Dosmukhamedov, Kazakhs eliminate poverty and smooth the relationship between rich and poor are "... preserved Kazakh hospitality and ancestral origin, as well as bearing traces of primitive, primitive socialism customs." He refers to the category of such customs: "zhilu"(heat) – one-time help of the tribal community to its member who suddenly fell into misfortune; "kzyl-taratu" – help of relatives in paying the bride price; "kolik-mai-saun-beru" – to give poor workers and dairy cattle for free use

of labor and milk; "kun" – payment of vira for the murderer killed by the whole family, etc. He believed that "the absence of class and class discord, a single way of life, and a single form of economy focused almost exclusive attention among Kazakhs on issues and interests of a national nature, of which the question of self-determination occupied and still occupies the first place" [6, p.129].

References to the "golden age", the period of "order", which was spread on the territory of Kazakhstan, are described in medieval eastern – Turkic, Chinese and Mongolian sources, as well as in the descriptions of foreign and Russian travelers and researchers. It is important to note that some Russian researchers supported the idea of Zh.Dosmukhamedov and M.Shokai on self-determination of the Kazakh people. The outstanding orientalist A.I. Levshin called this epoch the "golden age". For his major research, called "Herodotus of the Kazakh people", he noted: "There was a time, say the most prudent of the Kyrgyz of the Lesser Horde, when our people lived in peace, there was a time when we had order, there were laws and justice" [7, p.42].

Zhakhansha Dosmukhamedov, as the chairman of the Western Branch of Alash-Orda, was able to create a virtually autonomous administration of the Kazakh territory. In the found archival document – the "Interrogation Protocol", he writes: «... in Dzhembeity, where, having convened the regional congress of Kazakhs again, the regional government of the «Uilsky Olyat» was created, which was then reorganized into the «Western Branch of the «Alash-Orda» and we in the former Ural region actually began to exercise autonomous management of the Kazakhs. In addition to the Kazakhs, the "Western Branch of the «Alash-Orda», all other local bodies (in counties, regions and villages) represented the zemstvo self-government on the exact basis of the law issued by the Provisional Government before its overthrow by the October Revolution» [8, l.18].

Under his leadership, Zh. Dosmukhamedov formed the Government of "Uilsky Olyat" and actually carried out autonomous management of the region. The administrative apparatus, the prosecutor's office, the court, the people's militia, and the army were formed. There was a bank, a prison and security, a tax system was introduced, that is, all the conditions for the formation of an independent statehood were laid down. He made a significant contribution to the development of military affairs in the Kazakh region by opening cadet schools in Uil (Aktobe region) and Jambeyty (West Kazakhstan region). Political and legal views of Zh.Dosmukhamedov and M.Shokai, as well as other figures of «Alash» headed by A.Bukeikhanov, were reflected in the program of the «Alash» party, which was published in the newspaper "Kazakh" on November 21, 1917 [9, p.229].

Conclusions

The idea of uniting the Turkic peoples is presented on the basis of the study of the political and legal views of Zhakhanshi Dosmukhamedov and Mustafa Shokai, as well as on the conducted research in many archives of cities of the Republic of Kazakhstan, the Russian Federation, the Republic of Uzbekistan. At the beginning of the twentieth century, many Turkic peoples lived on the current territory of Kazakhstan, who didn't have political and civil rights, as well as freedoms. But they had a similar

management system of the region, their own traditions and customs. They also had similar communication languages. Therefore, Kazakh leaders Dosmukhamedov and Shokai sought to unite the Turkic peoples to solve common problems within the framework of the law. There was a special problem – it is a land.

It is known that the Kazakh people, due to the resettlement policy, began to lose fertile lands. The transition from traditional animal husbandry to a sedentary lifestyle caused discontent among the population. Therefore, the Kazakh intelligentsia, through the opening of printed publications and socio-political activities, sought to preserve the entire Turkic people. Kazakh leaders aimed to preserve their rich and unique history, laws, traditions that have existed for centuries. There was an active process of formation of the national elite, raising the self-awareness of the Kazakh people, the development of political and legal thought. The Kazakh intelligentsia actively raised questions about social guarantees of human rights and freedoms, the rule of law, the form of government in the country and the political system of the state. And in this the role of is great Zh. Dosmukhamedov and M. Shokai.

Undoubtedly, M. Shokai and Zh. Dosmukhamedov were humanists and democrats. But they were declared the "enemy of the people" by the Soviet government, as they stood on their principles and put forward the idea of forming an independent national state. M. Shokai was accused of creating and leading the Turkestan Legion, allegedly with the aim of using it in the war with the Soviet Union. Thus, M. Shokaya's idea of a unified Turkestan, embodied in the Kokand (Turkestan) autonomy, although defeated by the Soviet government like the «Alash» autonomy, nevertheless turned into a symbol of the struggle for the independence of the country. Despite the pressure of the Soviet government established on the territory of Kazakhstan, Zh. Dosmukhamedov and M. Shokai, like other figures of «Alash-Orda», remained true to their principles and the idea of creating a national state and uniting the Turkic peoples.

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**«АЛАШ» ҚАЙРАТКЕРЛЕРІ ЖАХАНШЫ ДОСМҰХАМЕДОВ
ПЕН МҰСТАФА ШОҚАЙДЫҢ САЯСИ ЖӘНЕ ҚҰҚЫҚТЫҚ
КӨЗҚАРАСТАРЫНДА ТҮРКІ ХАЛЫҚТАРЫН БІРІКТІРУ ИДЕЯСЫ**

Аңдатпа. Қазақ зиялыларының көптеген прогрессивті идеяларының ішінде Ж. Досмұхамедов пен М. Шоқайдың саяси және құқықтық көзқарастарында көрініс тапқан түркі халықтарын біріктіру идеясы ерекше қызығушылық тудырады. Мақалада автор ХХ ғасырдың басындағы қазақ зиялыларының өкілдері және «Алаш» қайраткерлері болып табылатын Ж. Досмұхамедов пен М. Шоқайдың саяси-құқықтық көзқарастарындағы түркі халықтарын біріктіру идеясын қарастырады. Олар өз халқының бостандығы үшін күресіп, Қазақстан Республикасы Тәуелсіздігінің хабаршысы болды.

Түйін сөздер: мемлекет, саясат, құқық, Тәуелсіздік, түркі халықтары.

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**ИДЕЯ ОБЪЕДИНЕНИЯ ТЮРКСКИХ НАРОДОВ
В ПОЛИТИЧЕСКИХ И ПРАВОВЫХ ВЗГЛЯДАХ ДЕЯТЕЛЕЙ «АЛАШ»
ЖАХАНШИ ДОСМУХАМЕДОВА И МУСТАФЫ ШОКАЯ**

Аннотация. Среди многих прогрессивных идей казахской интеллигенции особый интерес представляет идея объединения тюркских народов, которая нашла отражение в политических и правовых взглядах Ж. Досмухамедова и М. Шокая. В статье автор рассматривает идею объединения тюркских народов в политико-правовые взглядах Ж. Досмухамедова и М. Шокая, которые являются представителями казахской интеллигенции начала ХХ века и деятелями «Алаш». Они боролись за свободу своего народа и стали предвестниками независимости Республики Казахстан.

Ключевые слова: государство, политика, право, независимость, тюркские народы.