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О БОРЬБЕ С НАРУШЕНИЯМИ ЗАКОНОВ ДОЛЖНОСТНЫХ ЛИЦ В ОФИЦИАЛЬНОЙ ДОКУМЕНТАЦИИ КОНЦА XIX – НАЧАЛА XX ВЕКА

Аннотация

Статья посвящена отражению борьбы с нарушениями законодательства Российской империи чиновниками местной администрации в официальной документации конца XIX – начала XX века. В статье приводятся особенности оформления документов в данных делах.

Во второй половине XIX века в казахских землях в результате проведения реформ происходили изменения, которые касались всех категорий населения без исключения. Внедрение новых норм законодательства позволяли должностным лицам использовать свое привилегированное положение для получения собственной выгоды. На местах представители имперской администрации совершали коррупционные преступления, и борьба против должностных правонарушений отразилась в официальной документации.

Данное противостояние имперской администрации и коррумпированных чиновников представляет актуальность для понимания тех процессов, которые происходили в Казахстане в конце XIX – начале XX века.

Ключевые слова: дело, документ, канцелярия Степного генерал-губернатора, коррупция.

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XIX ҒАСЫРДЫҢ СОҢЫ МЕН XX ҒАСЫРДЫҢ БАСЫНДАҒЫ РЕСМИ ҚҰЖАТТАМАЛАРДАҒЫ ЛАУАЗЫМДЫ ТҮЛҒАЛАРДЫҢ ЗАҢ БҰЗУШЫЛЫҚТАРМЕН КҮРЕСУІ ЖАЙЫНДА

Аңдатпа

Мақала XIX ғасырдың аяғы мен XX ғасырдың басындағы ресми құжаттамада жергілікті әкімшілік лауазымды тұлғаларының Ресей империясының заңнамасының бұзылуына қарсы күресіне арналған. Мақалада көрсетілген істердің құжаттарды рәсімдеу ерекшеліктері сипатталған.

XIX ғасырдың екінші жартысында қазақ жерінде жүргізілеген реформалар нәтижесінде халықтың барлық санаттарына әсер ететін өзгерістер болды. Жаңа заңнаманың енгізілуі лауазымды тұлғаларға өзгерістерді өздерінің жеке бас пайдасына қолдануға мүмкіндік берді. Жергілікті жердің империялық әкімшілік өкілдері сыбайлас жемқорлыққа жол беріп, қылмыс жасады. Бұл қызметтік заңбұзушылық заңсыздыққа қарсы күреске қарсы ресми құжаттарда көрініс тапты.

Империялық әкімшілік пен жемқор шенеуніктер арасындағы бұл қарама-қайшылық Қазақстанда XIX ғасырдың аяғы мен XX ғасырдың басында болған процестерді түсіну үшін өзекті болып табылады.

Түйін сөздер: іс, құжат, дала генерал-губернаторының кеңсесі, сыбайлас жемқорлық.

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On the struggle against violations of laws by public officers in the official documentation of the late XIX - early XX centuries

Abstract

The article deals with the reflection of the struggle against violations of the legislation of the Russian Empire by local administration public officers in the official documentation of the late XIX – early XX centuries. The article presents the distinctive features of paperwork in these files.

In the second half of the 19th century, the Kazakh Länder underwent reforms that affected all categories of the population without exception. The introduction of new legislation allowed officials to use their privileged position for their own benefit. On the ground, representatives of the imperial administration committed corruption crimes, and the fight against official offences was reflected in official documentation.

This confrontation between the imperial administration and corrupt officials is relevant for understanding the processes that took place in Kazakhstan in the late 19th and early 20th centuries.

Keywords: file, document, the office of the Steppe Governor-General, corruption.

In the Russian Empire, the documentation on the implementation of public administration standards on the outskirts of the country was carefully conducted. The introduction of new laws, manifestos and decrees was carried out with caution, the local administration tried to take into account the specifics of the life of the population in a certain region.

A separate important issue was the interpersonal and family relations, local population and tsarist administration relationship. The conditions of existence of peoples in different regions of the Russian Empire varied greatly depending on the natural conditions and the level of development of social relations.

At the end of the XIX - early XX centuries the capitalist relations were actively developing in Russia, so they penetrated into all spheres of the society, which led to changes in the existence of social institutions, one example is the interaction of authorities and local nomadic and semi-nomadic population.

The purpose of this paper is to study the impact of the introduction of the laws of the Russian Empire on the development of social relations in the Steppe region, based on the example of studying the documents of archival funds, which contain retrospective information on combating corruption in the region.

The materials of the Central state archive of the Republic of Kazakhstan were used in the research to achieve the formulated objectives. Of particular interest to the researchers are well-preserved historical sources of that period, which reflect the events, statistics, and factual information relating to the development of science in Russia in the early twentieth century.

In the funds stored in the Central archive of the Republic of Kazakhstan, it is possible to get acquainted with the cases containing data on the efforts to combat on the violations by officials of their direct duties, and also against the corruption crimes. The representatives of the Imperial administration faced with the fact that employees who were obliged to unquestioningly comply with the orders of higher authorities and the will of the monarch in the territories entrusted to them, not only often did not implement them, but on the contrary became the violators of the laws of the Russian Empire. «However, the facts of corruption, embezzlement and bribery oversaturated all subsequent reign until the last Emperor. Bribery firmly remained an unspoken

source of income for officials of all ranks. During the XVIII-XIX centuries the range of corruption offenses significantly expanded. Bribes equated the illegal levies from the population in the collection of taxes, the swearing-in ceremony, preparation of documents and extortion».

The archives contain a large number of cases, including materials to investigate violations of the law by officials of the local administration. For the top local authorities, such incidents were additional difficulties in the realisation and implementation of the policy of the Russian Empire in the region.

The bureaucracy evolved gradually, that required several centuries of management practice and legislative measures. In the 19th century bureaucracy became a social group with certain characteristics. But the bureaucracy was not homogeneous. The first stage is low - outrank bureaucracy, just above it are the officials having initial ranks, followed by the middle and the higher echelons of the bureaucracy. The last link was the bureaucratic elite. They made decisions and formed the political course of the state.

The bureaucratic system also had a number of negative features, due to which the authorities had to resort to the search for more effective means of control of civil servants. The vices inherent in the bureaucracy of that time could not satisfy the government, let alone the public.

Bureaucracy, as the sum of shortcomings in the activities of management structures, began to emerge at the early stages of the emergence of the state apparatus. Even then, the low efficiency of the state machine began to manifest itself, the activities of which the authorities had to constantly spur by numerous instructions, and personal orders. The undeveloped sense of responsibility among employees for their work, the extreme slowness of the circulation of various documents («red tape»), vacuous paperwork and other shortcomings flourished in the offices. The situation has not changed dramatically for centuries and even by the end of the existence of the tsarist regime there was practically no progress for the better. Powerlessness of lower ranks before higher ones was an ordinary phenomenon.

The state control was significantly limited in its administrative functions. Even after checking the original documents and identifying embezzlers of public funds, the perpetrators could be punished only with the permission of their superiors.

The bureaucratic centralism created the universal regulation and formalism. Ever since Peter's time, his «General regulations», as well as the regulations of individual boards, the autocratic power persistently tried to introduce strict unification in public life, and, of course, in the work of the apparatus. Officials, in addition to addressing each other in accordance with the rank occupied, strict rules of registration of papers, where one wrong word could lead to the processing of the entire document, were added to the strict requirements imposed on the uniform, necessarily corresponding to the season of the year, indication of the type of service, Department, rank and other attributes of the owner.

Formalism and «scribbling» are the clear attributes of the state apparatus in any country, but in tsarist Russia, this phenomenon overstepped all boundaries. The central authorities sent mass mailings to the periphery, to which they responded with even more notes and reports. All this was aggravated by the fact that such document circulation was carried out within one institution and even between neighboring offices, which interacted with each other exclusively with the help of the official documents. The preparation of various certificates, reports, registers, inventories, the copying of the documents occupied the entire working day of an ordinary official. Often the new chief of the Department, in order to make up for his incompetence in the matters of the Department, downloaded their subordinates with the requirements of compiling of different certificates.

The scale of bribes varied and grew in proportion to the volume and importance of cases, as well as the rank of the official and his influence. Over time, a special «culture of bribery» was formed. The authorities attempted to organize the work of the personnel using different kind of accountability, open audits and covert audits, appointing the Senate committees, but the visible result of this activity was not brought, either.

An official for getting speedy promotion through the ranks had to have the support of any superior officer, be in good relations with his immediate superior, often giving him a variety of services that went beyond the purely formal relations. The dignitary, who provided services to any of his subordinates, could also count on the help of his protégé, etc. These relations could be considered natural-normal ones, if not for one thing, but: namely, the exercise of all official duties on behalf of the Supreme immaculate sacral power (after all, the Emperor was the vicar of God on earth). That is why the control over the actions of the bureaucracy within absolutism is not achievable.

However, by the end of the XIX century, after the changes of the 1860s, in a number of ministries, which are more affected by the reforms, as well as in the connection with the improvement of the General moral and psychological atmosphere among managers, the situation changed dramatically for the better.

In this regard, the management of administration in case of complaints against the actions of representatives of the administration strived for in a short time and very carefully investigates each incident.

There were precedents when the representatives of local governments came into conflict with each other, for example, a mutual complaint of the Volost Manager to the former Volost Manager and the County Chief. The Volost Governor sent a complaint against an official of the Imperial administration, who was previously in this position, in order to collect the debt: «the Interior Ministry office of the Steppe Governor-General. Office work 1. Table 2. May 2, 1898 № 2475, the town of Omsk. The Office informs Musral Sarykutenev, the former ruler of the Ton Volost, Prazhivalsk County that the petition in the case concerning his reimbursement of 316 RUB 66 kopecks from Tyumenbai Lipesov, the former ruler of the same Volost, was forwarded to Military Governor of Semirechensk region at his disposal. Signed by: Losevsky, the Manager of the Office» [1, L. 2]. The dispute among the former Volost rulers after several months of litigation and recriminations culminated in the signing of the settlement agreement: «No. 2680 presents the mutual engagement between Sarykutenev and Lipesov concerning the ending of their dispute in the form of a peaceful deal, of which Your Excellency was informed of in the submission of 21 April, No. 4608» [1, p. 6].

The Governor-General also received anonymous complaints, including from the prisoners: they complained about the harsh conditions in the casemates, poor diet, harassment by the prison warden, corruption among the prison authorities [2, L. 4]. The list of complaint contains the resolution of the Governor-General: "to send to the Prosecutor for clarification of justice specified" [2, L. 4]. A day later, a written response was received that the Prosecutor personally visited the prison castle, and the violations he identified were corrected: «as for the distribution and the sale of bread, in this regard, some unfavourable details for the interests of the prisoners were also noticed. By the agreement with the Chief of the Police it was decided to replace the economy supervisor Zakharov by other person, that will strengthen the oversight of the police chief and other officers from the section of the prison committee» [2, L. 2 on the back].

However, the representatives of the local administration could leave a complaint against the actions of officials without consequences, if during the investigation it became clear that it contains distorted or false information; the petition by Cossack Fedor Maslavitsov from Lubovny settlement was not considered, as investigations revealed the reasons for its detention: «Seeing from the aforesaid correspondence that the appellant Maslavitsov and being with him Postal Manager Moskvina was arrested for dispelling their intoxication in view of the fact that they, being outrageously drunk, rode their horses very quickly along the street amidst the riding the horses public, that was a danger for riders and pedestrians. General Office declared the complaint by Maslavitsov on his wrong arrest ungrounded» [3, L. 6]. In his petition Fedor Maslavitsov also points out that the district head at the time of his arrest was unlawfully applied force to him and beat him, but in the course of clarifying the circumstances of infliction of bodily damage, the military Governor of Semirechensk region received the following information: "likewise, the complaint by Maslavitsov for inflicting beatings was not fully recognized, as

Kuvatov denies it and the inquiry shows that when the order of Maslavitsov and Moskvina's arrest was being produced, Kuvatov even never got out of the sleigh, and therefore could not inflict a beating" [3, L. 6 on the back].

Sometimes, when petitioning or complaining about illegal actions by Imperial administration officials, one could be charged with libel and insult of officials.

An example is the appeal of the petitioner Kiseleva to the Governor-General with a complaint against the police bailiff Kashkarov, who took her money, refused to return it to her, and to avoid the arrest of his property in favor of the petitioner concluded an illegal deal with the merchant about the transfer of all his property to the merchant.

The case contains the complaint by Kiseleva and the personal testimonial of Kashkarov that was given directly by the Military Governor: "having taken into account the previous service of Court Counselor Kashkarov being tried and convicted for a) illegal fees; b) slowness and negligence; c) the omission in the service; g) for failure to comply with requirements of the authorities, I, in the letter dated March 11 No. 26, requested Your Excellency to elect for the position of the Police Chief of Vernyiy a more worthy candidate, finding that the officer who created by his previous actions the reputation of the unreliable person cannot have any respect or confidence of the population, not only for the position of police chief, but also as a Police Bailiff" [4, L. 1].

However, the presence of an extremely negative track record did not alarm the Governor-General, and he twice appealed to the military Governor with a persistent request to approve Kashkarov to the above position.

Further, the document provides evidence that, despite the complaint by Kiseleva, Kashkarov was confirmed to the post of Police Chief of the city of Vernyiy. Concerning Kiseleva herself, the case for libel on Kashkarov and the insubordination of officials of the local administration was started: «Respectfully informing about it, I have the honour to submit to Your Excellency the explanation of the Court Counsellor Kashkarov on the contents of the petition and convey that Kiseleva did not state any claims or complaints to me on Kashkarov, and therefore, as it seems, had no reason, avoiding me to issue a complaint directly to Your Excellency» [4, L 18 on the back].

It should be noted that Kiseleva accuses officials of local administration of unwillingness to accept the complaint and claims that all of them are connected with common official position, so this statement of hers turned out against her: «Though she also explains such reception by some «special, exclusive popularity of Kashkarov inside the local administrative world» due to which, it is necessary to conclude from her writing note that she didn't count on proper attention on my side to her claim to Kashkarov, but what kind of facts she actually justified as the specified reception and what she meant under this general phrase, is not known" [4, L. 18 on the back]. The similar statement of the applicant Kiseleva allowed the official to insist that her words contain direct slander and Kiseleva has to be punished. The case includes the Kiseleva's documents and petitions that can be considered in more detail concerning her complaints, but they remained without any answer. In relation to Kashkarov, the prosecution on the service was discontinued, and he remained at his post.

Thus, it can be concluded that in the Russian Empire in the late XIX – early XX century, officials of the tsarist administration tried to quickly resolve issues related to the violation of the laws by the officials themselves, but the lack of well-trained personnel, low payment, a large number of duties, the lack of qualitative communication, especially on the outskirts of the state, led to corruption on the local territories.

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