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Legal and Fiscal Foundations of Land-Property Relations in The Khiva Khanate

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Abstract. This article analyzes the land-property system of the Khiva Khanate during the Kungrat period and its role within the socio-economic and political structure. It also examines the forms of land ownership existing in the khanate—state lands (khan's lands), waqf lands, mulk (private lands), and the lease system—while elucidating their legal foundations. The article further explores the procedures of land ownership and use, the taxation system, and the historical evolution of legal norms related to land property on the basis of scholarly sources.

Keywords. Khiva Khanate, land ownership relations, state lands, waqf, mulk lands, taxation, lease system.

Introduction

The study of land relations and property systems within historical state structures that existed in the territory of Central Asia occupies an important place in illuminating the social history of the region's peoples. In particular, the investigation of land ownership rights in the Khiva Khanate makes it possible to understand not only the economic life of the period, but also the nature of political governance and social relations. Therefore, examining this issue from a historical and legal perspective is of significant scholarly importance. The Khiva Khanate was formed as an agrarian state in which land served as the principal means of production and the foundation of economic life. The rules governing land ownership and its use determined not only the system of economic management but also shaped the fiscal policy of the state. The taxation system, particularly land-related taxes such as ushr, kharaj, and solgut, constituted the main source of the state treasury. From this perspective, the study of the legal and fiscal foundations of land-property relations is essential for understanding the nature of economic interactions between the state and society. Land categories differed from one another in their legal status, modes of use, and tax obligations. As a result, land-property relations in the khanate developed into a complex and multi-layered system. The purpose of this article is to analyze the legal and fiscal foundations of land-property relations in the Khiva Khanate on the basis of scholarly sources, to identify the specific features of different forms of land ownership, and to reveal their role within the system of state governance and socio-economic structure. At the same time, within the framework of this study, the historical development of legal norms related to land and the state's tax policy is examined on the basis of archival documents and historiographical analysis.

Main Part

The issue of land ownership rights in the Khiva Khanate is considered one of the important research directions in the historiography of Central Asia. In Soviet-era studies, this issue was primarily analyzed on the basis of a class approach, and land relations were interpreted as the economic foundation of the feudal system[1]. Scholars of this period, including S.P. Tolstov, P. Ivanov, M. Yuldoshev, A. Shaykhova, Aminov, Sodikov and others, presented their conclusions on the subject under study. In the post-independence period, however, a new—complex and objective—approach to land relations in the Khiva Khanate has emerged. In these studies, the system of land ownership is analyzed not only as an economic phenomenon, but also as a legal and social institution.

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In the period under study, the system of land ownership in the khanate, like other state structures, was regulated on the basis of the principles of Sharia. Accordingly, all lands in the state were divided into ushr lands and kharaj lands. In turn, kharaj itself was differentiated into two forms: muqasama and muwazzaf kharaj. In Islamic legal tradition, the theoretical foundations of this issue were extensively elaborated, first and foremost, in Abu Yusuf's work Kitab al-Kharaj. In this work, various forms of kharaj and the mechanisms of its collection are discussed. According to the author, land tax may be collected either in the form of produce or in monetary terms, and it should be determined based on the size of the land, its fertility, or the amount of yield obtained. At the same time, Abu Yusuf pays particular attention to the issue of ensuring social justice within the system of kharaj lands and taxation, critically evaluating the possibility that the tax burden of stronger social groups could be shifted onto weaker strata. According to Sharia law, tax policy is based on two fundamental principles: on the one hand, it should not impose excessive burden on the taxpayer; on the other hand, it must not undermine the financial stability of the state. From this perspective, determining taxes in fixed shares or percentages was considered the most appropriate method.

The system of land ownership formed in the Khiva Khanate and its legal status were also based on Islamic legal norms, and the principles established in Sharia were preserved in practice over a long historical period. In the khanate, several main forms of land ownership existed, including state-owned lands (mamlaka-yi podshohi), privately owned lands (mulki kholis), and waqf lands belonging to religious and educational institutions. This classification defined the legal foundations of land-property relations in the Khiva Khanate and played an important role in shaping tax policy.

At the same time, a specific form of land ownership known as otlik lands also existed in the Khiva Khanate, which were mainly granted by the khan to Turkmen tribes engaged in military service.

State lands were mainly allocated on the basis of hereditary lease to landless peasants or to those who had obtained a decree (yorliq) granting them the right to use land. From such lands, ushr was collected in favor of the state. In some studies, there are views suggesting that state lands classified under mamlaka-yi podshohi were exempt from taxation. However, this assumption cannot be considered fully substantiated. Archival sources, particularly the collection "Documents of the Chancellery of the Khiva Khans" preserved in the National Archive of Uzbekistan, provide evidence confirming that taxes were also levied on state lands. These documents contain a number of materials recording the amount of ushr collected from such lands. It should be emphasized that this tax was imposed not directly on the state-owned land itself, but on the individuals who used it under hereditary lease arrangements. Thus, the notion that state lands were completely exempt from taxation is not fully supported by historical sources. On the contrary, existing documents demonstrate that tax obligations related to the use of these lands were implemented according to a defined system.

Official documents dating to the late nineteenth and early twentieth centuries indicate that private land ownership in the Khiva Khanate was expressed through the concept of mulk, and that its legal status and fiscal obligations were regulated by clearly established norms. In particular, atoyi mulk represents a type of private land subject to taxation and transferred from generation to generation on the basis of inheritance rights. According to U. Abdurasulov, who studied the land-property system of the Khiva Khanate, this category of land had been formed long before the rise to power of the Kungrat dynasty and was recognized as the personal property of its owner. The researcher compares this type of land with the mulki kharaji lands of the Bukhara Emirate, noting their legal and economic similarities. The tax system applied to atoyi mulk lands had a differential character, being determined according to the size of the landholding and the economic capacity of the owner. The tax rates recorded in historical documents correspond, according to the data of V.A. Girshfeld and A.S. Galkin, to the amounts established for owners of atoyi mulk.

Another form of private land ownership was yorliqli mulk, which differed from atoyi mulk in terms of its tax obligations and was characterized by having the same fiscal status as tenants of state lands. Tax registers (sanoq daftarlari) indicate that taxes on yorliqli mulk were collected according to the tanob (unit of land measurement).

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Another type of land ownership in the Khiva Khanate consisted of waqf lands—properties belonging to religious institutions such as mosques, madrasas, cemeteries, and khanqahs. Such properties were endowed to religious institutions by the khan, officials, and certain private individuals. However, not all properties of religious institutions were entirely granted as waqf. When state or private land was converted into waqf property, as a rule, neither the tax payable to the state, nor the land lease, nor the procedures for their collection were altered. This transformation affected not the fiscal status but rather the legal status of the land, resulting only in its redistribution.

Another distinctive form of land ownership in the khanate was known as otliq, which, as noted above, was granted to Turkmen groups in return for military service. Initially considered a privileged form of tenure, by the last quarter of the nineteenth century it had evolved into a type of property that differed from private lands only nominally.

Conclusion

In general, these findings demonstrate that the system of private land ownership in the Khiva Khanate was complex and stratified in nature, and that tax policy was directly shaped by the form and scale of landholding. Given that the Khiva Khanate was an agrarian state and that the economic activity of the population was primarily based on agriculture, particularly farming, the tax levied on this activity—solgut—constituted the foundation of the state treasury.

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