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THE GENERAL CONCEPT OF THE SYMBOLISM OF «TORE BITIGA» AND ASPECTS OF ITS REFLECTION IN THE REAL SOCIO-POLITICAL SPACE REGARDING KAZAKHSTAN REPUBLIC NEW PROCESSUAL POLICY

Abstract: Currently, most decisions regarding processual policy research issues and succession rules are expressed based on historical precedent, as, for example, adopted in Japan. However, Japan is not the only country that, based on the experience of traditions, revives the future on the basis of correct stereotypes. Kazakhstan, for example, like many other Turkic countries, also based on the processual policy data in the historical Turkic monuments of the Armenian script "Tore Bitigi", based on runic data, has the assumption to prove that most of the norms regarding processual policy were adopted not a few centuries ago. It is this historical and philological factor that the research in this article is devoted to.

Key words: monument, relic, artifact, writing, runes, hieroglyphs, rock inscriptions, processual policy, heredity, succession.

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Introduction

Numerous Kipchak written monuments of the 13th-17th centuries, a significant part of which I managed to collect and process for forty years and publish, mainly during the years of independence of our country, are of global importance both for the history of the Kazakh and other Kipchak peoples, and for the revival and development of national languages in modern conditions (1). The subject of this message is only one of the particular aspects of the use of the richest material of monuments in solving the topical

issue of the development of the terminology of the modern Kazakh language (2). Speaking about the revival of the Kazakh language, scientists, and not only scientists, mean that in the times preceding the era of independence, our language was put in the most difficult social conditions that threatened its very existence and led not only to a narrowing of functionality, but also to a systemic distortion of its grammatical structure and catastrophic contamination with foreign borrowings (3). Foreign borrowed words have not just replaced the original vocabulary, they,



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without adapting at all, live their own lives, form derivatives, grow irrepressibly and infinitely in the living organism of our language, like a neglected cancer (4). Sometimes it seems that only official words and affixes, somehow supporting the former national identity, have remained from the original Kazakh language. For example, I took the legal field and legal terminology. This area of language use, among other spheres, is the closest to public life and at the same time the most dynamic, since it is closely connected with political changes, and therefore very indicative (5). In ancient times, Turkic, Mongolian and some other tribes formed the Altai ethnolinguistic unity (6). The primordial faith Tengrianism – and the so-called customary law, called the term Torah, stood guard over justice. Among the Mongolian peoples, it was formed in the form of a written code under Genghis Khan and was called the Great Yasa (7). But with the general illiteracy of the people and its ruling elite, the leaves of the Great Yasa were kept wrapped in a scroll and only on (8) solemn occasions were brought to the assembly together with other symbols of supreme power. In the end, the scroll, which existed in a single copy, died (9). And it is only thanks to approximate quotations from Arab, Persian and Armenian authors that we have some idea of the content of this code (10).

RESEARCH METHODOLOGY AND ETHICAL QUESTIONS.

In this article, as effective tools for the study of the historical and philological legal factor, a number of analysis and comparison tools are presented, in which elements of processual policy norms relating to the present time can be abstracted in the ancient Turkic writings of Armenian monuments (11). Thus, in modern science, general scientific and private scientific research methods differ. General scientific methods are used in a wide variety of fields of science, i.e. they have a very wide, interdisciplinary range of applications, private scientific - only within the framework of research of a particular science or a particular phenomenon (12). Each particular science (linguistics, literary studies, folklore studies, etc.) has its own specific research methods. General scientific methods include observation, experiment, classification and modeling. Classification of general scientific methods is closely related to the concept of levels of scientific knowledge. At the empirical (other-Greek empeiria experience) observation and experiment are used. To solve theoretical (other-Greek. theoria - observation, research) of tasks apply classification and modeling. General scientific methods of empirical cognition (13). Cognition of the object of philological research begins with observation. Observation is a purposeful study of objects, based mainly on such sensory abilities of a person as sensation, perception, representation (14). This is the initial method of

empirical cognition, which allows us to obtain some primary information about the objects of philological sciences (15). In order to investigate certain categories or processes in philology, they must not just be randomly perceived, but, accordingly, isolated from this perception precisely as facts of science (16). This is achieved with the help of purposeful (and in this sense scientific) observation, which can be designated as simple when it fixes an object in its natural form without changing it and the conditions in which the object usually functions, and as complex when scientific observation acquires a new, very significant quality and becomes the basis of a special method of research - experiment. Simple observation can be either direct or indirect (17). Direct observation, in contrast to indirect observation, covers phenomena that are accessible to perception by the senses without the use of any auxiliary technical means (18). For example, articulatory characteristics of vowels and consonants, combinatorial changes of sounds in the flow of speech, etc. Often scientific observation is indirect, i.e. it is carried out using various technical means. For example, spectral and oscillographic analyses refine the characteristics of speech sounds many times and, therefore, only expand the range of direct auditory observation of the phenomena studied. Observation allows you to find the actual research material (19). This is its main value as a research method. In the process of finding, or collecting, material, it is fixed on special cards, magnetic media, film, entered into computer memory, etc. The choice of the method of fixation is determined by the texture of the material (oral, written, etc.), the purpose, objectives of the study. The question of the sources of the material is complicated. The main problem here is in the selection of sources, in establishing the degree of their reliability (20). Thus, when studying a literary text, the choice of the most authoritative source is almost of paramount importance. These include, for example, academic dictionaries, the complete works of the writer. In the absence of such publications, selected works of writers are used (21). The results of simple observation, acting in the process of cognition as empirical facts of science, can function actively only if they are appropriately described and systematized. Only under such conditions does their subsequent scientific research and explanation become possible (22). The natural consequence of the description is the comparison of the observation results, the systematization of the obtained material, the allocation of the general and specific, special in it. This creates the basis for hypotheses about the causes of a phenomenon, their experimental verification and formulation of a scientific theory (23).

RESULTS.

The customary law of the Turks also existed only in the oral tradition of the Biy court. In the form of a code of laws, for example, it was formed even later



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among the Kazakhs and was first recorded less than two hundred years ago, and in Russian. I am referring to the well-known publication by Alexey Iraklievich Levshin "Description of the Kirkiz-Cossack or Kirkiz-Kaysak hordes and steppes" of 1832. What factors hindered the development of justice on a national basis? Firstly, the spread of Muslim law, Sharia, together with Islam (24). But its influence cannot be compared with the total oppression of the Russian administrative and judicial system, which - in relation to Kazakhstan - has once and for all done away with both Sharia and the democratic judicial institute of Biy. As a result, the original legal terminology, not having yet had time to suffer from the influence of Sharia, was rejected to the periphery and finally outlived, being replaced by the introduced Russian (25). Russian Russian legal terminology itself, as is well known, although it has its roots in Slavic customary law and the "Truth" of Yaroslav the Wise, but since the time of Peter I has been under the powerful influence of Latin, as well as German and French, and therefore, as it were, not quite, and most often not at all Russian (26). As a result, the Kazakh people have irretrievably lost a significant part of their original legal terminology, and what remains of it occupies a marginal place in the Kazakh justice system or even vegetates in related public spheres (27). The Torah today is not a right at all, and not a court, and not a law, but the name of the Genghisid clan, and the court is called Sot. Toreshi is not a judge, but a sports referee, and Kazakhs call a judge a judge (28). The word biy in the minds of our contemporaries has degraded to the level of an unchangeable suffixoid attached to three famous names of famous Kazakh biys - Tole biya, Kazybek biya and Aiteke biya. Moreover, it occurred to someone to call jurors biyami, although we have our own ancient, absolutely adequate word – antishken. These vivid examples are in front of everyone's eyes (29). They convince us of the need to search for sources, oral and written, from where it would be possible to extract the lost words, and not just words, but priceless treasures of our cultural heritage, which we have poorly preserved. There are such sources (30). Far to the west, in the Ukrainian cities of Kamianets-Podilskyi and Lviv, since the end of the 14th century, there lived a mysterious people who called themselves Armenians, but who spoke, wrote and prayed in Kipchak and 400 years ago printed the world's first Kipchak book (31). They got there at a favorable time, when in Poland and Lithuania, to which these cities were then subject, the Magdeburg Law spread, granting cities and national broad autonomy (32). The Kipchak-speaking Armenians took full advantage of this right and until the annexation of these lands to Russia had selfgovernment, their own court, spiritual, civil and criminal, their town hall and prison, their market and their guild fraternities, their churches, monasteries, shelters and schools, and all this operated in the

Kipchak language (33). The community occupied an enviable economic position, and its citizens prospered in their multifaceted spiritual and socio-economic activities thanks to the universally accessible and widely used writing. For the needs of self-government and the court in 1519, our mysterious Armenians Mkhitar Gosh's "Sudebnik" translated Armenian, supplemented it with the articles necessary in the new conditions, coordinated with the office of the Polish-Lithuanian Commonwealth (34), made reservations due to the discrepancy of their laws with Polish-Lithuanian ones and approved it from King Sigismund in Latin, then translated it for themselves into their native language the Kypchak language, and for the local citywide authorities – into Polish (35). Then they compiled their own procedural code in the Kipchak language, based on their own long-term law enforcement practice (36). And at the same time they tried not to borrow other people's words – Armenian, Latin, Ukrainian, Polish, etc., and wherever possible they used native Kipchak terms. They did the same when translating Armenian sacred texts into their native Kipchak language – Psalms, prayers, as well as when composing sermons for parishioners (37). Four volumes of Kypchak sermons were written only by Anton, Doctor of theology, who lived in Lviv in the first half of the 17th century. Court records were kept daily in the generally accepted Kipchak language for a century and a half. Only 32 huge volumes have reached us from the Kamenets-Podolsk court (38). And there were also business books of other institutions. In total, about 30 thousand pages of Kipchak monuments in Armenian script have been preserved. Some texts were published in different countries by my predecessors - Gevond Alishan, F. Krelitz-Greifenhorst, Jean Denis, Edmond Schutz, Istvan Vashari, Edward Tryarsky, Renata Konova, Vardan Grigoryan, Iskander Abdullin and my student Seisenbai Kudasov. But most of these materials have now been published by me: The Psalter of 1575-1585. I published together with Eduard Shagenovich Grigoryan, "Tore bitigi" (Sudebnik) 1519-1594 together with academician Gayrat Sapargaliev and Miron Kapral, the rest - independently. Seisenbai Kudasov, Gayrat Sapargaliyev and Alzhan Aitimbetovich Shomayev, who publishes Kazakh versions of Kipchak psalms, initiated the translation of Armenian-Kipchak texts into Kazakh (39). They translate, let's say, not into the modern Kazakh language as it is, but heuristically – as if recreating, rediscovering the Old Kazakh language of the 16th and 17th centuries, returning to full life forgotten and half-forgotten Kazakh words frozen in some stable combinations, in proverbs, sayings, parables (40).

DISCUSSION.

As a result of comparing the Kipchak legal terms of the 16th-17th centuries with modern Kazakh



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versions of these words, the compared vocabulary shows a tendency to divide into three groups.

The first group consisted of words that retained the original Altaic meanings or were replaced in some meanings by other lexemes of Turkic origin. These are words such as ayblau - ayyptau, zhazalau "to accuse; to punish", artykhsylvkh – kylmys "offense: intentional crime", ant "oath, oath", ant ishu "swear, swear", ant ishken "sworn, sworn", baha - baga, kun "price, cost", barystyru - tatulastyru "to reconcile, reconcile", baryshtyrushy tatulastyrushy "reconciling, reconciler", bakhyshy, bakhushy -"caretaker, karaushi, bakyloushi observer, supervisor", bashkysh, bakshysh - sy "gift, gift", borysh "duty; duty; duty", jaza – zhaza "punishment", jeh – zhasau "dowry", jurum – ayyp, zhaza "punishment, penalty, fine, punishment", yal - zhal, zhaldanu "hire", yalgan ant - zhalgan, otirik ant "false, false oath", yanylgan - kylmys, zhanylu "misdemeanor, involuntary crime", yasakh - zhasak, alym, salyk "tax, duty, submit, tribute", kush "force; action, effectiveness", ic "case", korgau "protection", korgaushi "defender", ulush - ules "share, share, part". The terms of this group indicate the active realization of the vital potential of self-development of the Kazakh language.

The second group was formed by Kipchak terms, which were replaced by Arabisms: aslam - payda "profit", asykh, azykh "food, feeding; land ownership" - mulik "real estate", bitik - kitap, datter "book, magazine, notebook", bos - azat "free", bosattyk - azattyk "freedom", bosatu - azattandyr "to liberate", yuk — kepil "bail; surety", yuk — kepilge alushy, kepilshi "bail taker, surety", yuk — kepildik "bail, surety, surety", ogurlukh – urlyk "theft", ogut – ugit, onege, akyl, uyaltu, zhaktyrmau, erezhe; zhaza "edification; punishment", tanykh - kua "witness", tabala- - tabalau "to accuse", tanyktyk - kulik "testimony, testimony", tusnakh - kepil "pledge". Such substitutions show how strong was the influence of the language of Islam, Sharia and Muslim education, that is, the Arabic language, on the Kipchak language of Kazakhs converted to Islam. Most Arabisms, as well as borrowed persiisms along the way, as can be seen from the examples, are adapted to the phonetic structure of the Kazakh language and today are often not even perceived as words of foreign origin.

The third group is represented by Kypchak terms, which are replaced by Russianisms: tora, jargy – sot, jurisdiction; torashi, jargyshy, bi – judge; yerga – norm. Some Russianisms borrowed in the old days have undergone phonetic adaptation and are written in accordance with their sound in Kazakh colloquial speech. But the absolute majority of borrowings from the Russian language remained unadapted. They are pronounced and written the same way as in Russian. It is a kind of Russian province on the territory of the Kazakh language. It does not obey Kazakh phonetic

and morphological laws. Moreover, it has a serious impact on Kazakh phonetics, morphology and syntax.

The boundaries between these groups, of course, are conditional and amorphous, that is, the same words in some sense can fall into one group, and in another - into another, such as the polysemous terms boyruh, buyruh, which in different meanings correspond to the words buyryk, buyyr, amir, erezhe, zharlyk, zan, kauli, okim, osiet, talap, or borch borysh, karyz, nesie. Others have given way to terms of different origin, such as, for example, gile, giley "claim, statement, statement of claim" - aryz, talap, shagym; izdov - izdeu, sot arkyly koylgan talap "claim, claim"; izdovuchi – aryzdanushy, talap koyushy; egirlik "lawlessness, untruth, injustice, dishonesty; misconduct, crime; guilt, guilt" – zansyzdyk, zhalgan, adiletsizdik, aramzalyk, teris kylyk, kine, kinalilik; yerga "queue; order; procedure; charter, statute; order" - kezek, tartip, jargy, charter, heresy, okim.

The more ambiguous the Kipchak term was, the more semantic equivalents it has in the modern Kazakh language. The most significant term in this aspect is the pan-Altai legal term tore, which is used in the Kipchak texts in 9 main meanings: 1. law, legal norm, requirement, regulation – zan, kukyktyk norm, talap, zhagdai; 2. law as a system of legal norms, laws, rules, procedures – kukyktyk normalardyn zhuyesi; 3. law, rights, freedoms, privileges of individuals and legal entities, including the right of ownership, possession, orders, etc. – zheke zhane zani tulgalardyn kukygy, kuyktary, bostandyktary, zhenildikteri, sonyn ishinde menshik, ielenu, T. B. kuyktary; 4. the court as a judicial body, institution, instance – sot, mekeme, instance, saty (sottyn); 5. the personal composition of the court - sottyn kuramy; 6. justice, court as a procedure, process, trial, legal proceedings, judicial practice – adil sot, sot isin zhurgizu, sot tazhiribesi; 7. legal responsibility – zani zhauaptylyk; 8. jurisdiction - jurisdiction, sot zhurgizu kugy; 9. a variety of judicial body in the order of convocation, its composition and functions - sot turderi.

These meanings of the term are realized in a mass of terminological combinations and derived words. The same applies to other legal terms, the vast majority of which are not mentioned here. But, nevertheless, what has been said, in our opinion, is enough to make sure what abundant resources are hidden in the Kipchak written monuments of the 16th and 17th centuries that we have published to date (41).

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the student potential, there were many activists who agreed to take part in the research in various positions listed below. These positions include data and positions from the table below. Thus, as a legal experiment, the research group planned a study with the participation of 16 full-time students in the specialty of nursing. So 8 students participated in an experiment where each of them was given the role of an active stalker and a passive stalker, as well as an active victim and a passive victim. Four students monitored and four students supervised each group of tests.

CONCLUSION.

In conclusion, it can be noted that in the present time, the norms on processual policy coincide with the runic writings of the ancient Turkic script of the Armenian monuments "Torah Bitigi", in which a few centuries ago our ancestors made assumptions about the recent processual policy, which became a hit in all areas ranging from economics and law, and ending with social policy, history and even law.

RECOMMENDATION.

As a recommendation, it should be noted that due to the fact that at the present time the norms on processual policy coincide with the runic scripts of the ancient Turkic script of the Armenian monuments "Tore Bitigi", it is necessary first of all to make a deeper study of this monument not only in the philological, historical or legal field, but also through the combined use of interdisciplinary technologies.

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