ВКЛЮЧЕНИЕ ГРУЗИИ В РОССИЙСКУЮ ИМПЕРИЮ И СОХРАНЕНИЕ МЕСТНОГО ЗАКОНОДАТЕЛЬСТВА

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INCLUSION OF GEORGIA INTO THE RUSSIAN EMPIRE AND PRESERVATION OF LOCAL LEGISLATION

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Аннотация. Тема включения Грузии в состав Российской империи особенно актуальна, так как взаимоотношения двух исторических соседей сегодня напряжена и необходимо особенно тщательно изучить исторические перипетии, чтобы осознать перспективу их будущего развития. Статья касается гражданского кодекса России и Грузии, адаптации грузинского свода законов и Уложения царя Вахтанга с общероссийским законодательством. Авторы рассматривают большой период и охватывают взаимоотношения России и Грузии времен царствования Петра Первого, Екатерины Второй, Павла Первого, Александра Первого и Александра Второго. Авторы анализируют процесс систематизации общероссийского законодательства 1826-1832 годов и принятие Гражданского кодекса, который побудил местные и центральные администрации унитифицировать частное и общее имперское право. Авторы исследуют использование гражданского права Грузии в частноправовых отношениях на Кавказе в 19-ом веке.

Abstract. The topic of Georgia's inclusion in the Russian Empire is especially relevant, since the relationship between two historical neighbors today it is tense and it is necessary to especially carefully study the historical vicissitudes in order to realize the prospect of their future development. The article concerns the civil code of Russia and Georgia, the adaptation of the Georgian code of laws and the Code of King Vakhtang with all-Russian legislation.

The authors consider a large period and cover the relationship between Russia and Georgia during the reign of Peter the First, Catherine the Second, Paul the First, Alexander the First and Alexander the Second. The authors analyze the process of systematization of the all-Russian legislation of 1826-1832 and the adoption of the Civil Code, which prompted local and central administrations to unify private and general imperial law. The authors investigate the use of Georgian civil law in private law relations in the Caucasus in the 19th century.

Ключевые слова: Россия, систематизация законодательства, Грузия, местное право.

Including Georgia and the Caucasian peoples into the Russian Empire and the preservation of the validity of local law. The inclusion of the Caucasus and Transcaucasia into Russia entailed the inclusion of the population of the ethnically most difficult ethnic region in the composition of Russian subjects. After the Kuchuk-Kaynardzhi peace treaty between Russia and Turkey in 1774, the Ottoman Empire lost its full influence in the northwestern Caucasus. This allowed Russia in 1785 to create the Caucasian governorship from the Caucasus and Astrakhan. According to the Georgievsky treatise between Russia and the united Georgian kingdom of Kartli-Kakheti (Eastern Georgia) dated July 24 (August 4), 1783, Georgia passed under the Russian protectorate [1].

Then other Transcaucasian state formations passed under the Russian protectorate. They kept the same local government and judicial system. Russia's victory in the war with the Ottoman Empire 1787-1792 and the concluded Yass peace treaty of December 29, 1791 (January 9, 1792) strengthened Russia's position in the Caucasus [2].

But a peaceful respite in the Caucasus lasted only until 1795 - the Persians again ravaged Tiflis. Catherine II sent troops to the rescue of the Georgian King Irakli, who asked to accept Eastern Georgia into her citizenship. With the beginning of the reign of Paul I, Russian troops were withdrawn from Georgia, but a new invasion and internecine disagreements forced the Georgian Tsar George XII to again ask for help and renew the issue of transferring to Russian rule. Paul, I made a decision and issued on January 18, 1801, a manifesto on the acceptance of Eastern Georgia - the Kingdom of Kartli-Kakheti - into Russia. The formalization of the inclusion of the Caucasus into the Russian Empire began with the manifesto of Paul I of January 18, 1801, on the acceptance of the Georgian Kingdom of Kartli-Kakheti (Eastern Georgia) into the...
Russian state, which was announced in Russia and Georgia in Russian and Georgian.

The manifesto pointed out that “for a long time already the Georgian kingdom, oppressed by its neighbors of other faiths, has exhausted its strength by the incessant defense of its own”, drew attention to “disagreements in the royal house” and the request of the Georgian king “to take the regions subject to the Georgian kingdom” into the Russian Empire. In his manifesto, Paul I guaranteed that “upon the annexation of the Kingdom of Georgia for eternal times, our power will not only be provided and will be intact ... now, but every state of the people of the above-mentioned areas also has to enjoy all those rights, freedoms, benefits and advantages”[3].

The death of Paul I during a palace coup in March 1801 suspended the solution of the issue. Alexander I, who ascended the throne, approached the integration of Georgia into Russia with extreme caution. Only after a thorough discussion of the issue in his inner circle and in the State Council, he return to this issue. On September 12, 1801, a series of acts of the annexation of the Kartli-Kakhetian kingdom and the formation of the Georgian province on its basis followed. [4]

In a manifesto to the Georgian people, the emperor, confirming the strength of the decision of Paul I, outlined the motives for the further annexation of the region to the Russian state and defined guarantees for the indigenous population: “Everyone will keep their advantages and their faith and the inviolability of their property.” In the decree “On the establishment of an internal government in Georgia,” the Russian monarch pointed to the preservation of local Georgian legislation and determined the procedure for its application under the Code issued by King Vakhtang, the main Georgian law”.[5]

The Russian government introduced a new system of state bodies. Criminal proceedings were to be based on general imperial legislation: “Criminal ... cases should be conducted according to the general laws of the Russian state,” and criminal cases “should be considered by the commander-in-chief together with the ruler ... under the mentality of the people.”

King Vakhtang's code was extended to other peoples of the Caucasus and Transcaucasia. It was indicated - “for strangers living in Georgia, during civil proceedings, to remain in the same place, and in criminal cases to act according to the general rules ... for the Georgian peoples”. [4] Thus, priority was given to the written law of Georgia.

Later, through the commander-in-chief in the region, the order of relations between the supreme power of Russia and the population of Georgia was determined and the creation of a “supreme government of Georgia in Tiflis” was announced, which was given instructions the priority of the application of the Georgian legislation was once again confirmed [6] [7].

At the beginning of the XIX century the offensive of Russia in the Caucasus continued. In 1803, the Yaro-Belokansky Territory was annexed, then parts of Western Georgia - Mingrelia (1803), Imereti, and Guria (1804) - became subjects of Russia. In 1803, the Ganja Khanate was conquered by Russia. Then Shirvan (1804), Karabakh, and Sheki (1805) khanates took Russian citizenship. This caused the Russo-Persian wars of 1804-1813 and 1826-1828.

The war of 1804-1813, caused by the annexation of Eastern Georgia in 1801, was successful for Russia, and according to the Gulistan Peace Treaty of October 12 (24), 1813, Persia recognized the entry of Eastern Georgia and Northern Azerbaijan, Imereti, Guria, Mengrelia and Abkhazia into the Russian Empire. [8][9][10]

The Russian-Persian war of 1826-1828 ended with the Turkmanchay peace treaty of February 10 (22), 1828, which confirmed the territorial acquisitions of Russia in 1813 and ensured the transfer of the Erivan and Nakhichevan khanates to it [11][12].

In 1801, the Georgian province was formed (the territory of the Kartli-Kakhetian kingdom), and in 1811, the Imereti region was created on the newly annexed lands of Western Georgia. In 1846 Georgia was divided into Tiflis and Kutaisi provinces. [13]

On March 21, 1828, on the territory of the Erivan and Nakhichevan khanates, which became part of Russia, the Armenian region was formed (since 1849 - the Erivan province). Without dwelling on the territorial structure of the region, we note that the supreme power of Russia has retained local and customary law in it.

So, for example, the provision “On the temporary management of the Imereti region” of April 19, 1811, in § 15 determined: “A civilian unit is entrusted with civil proceedings on the basis of the existing order in Georgia, guided by the law of King Vakhtang, but in the absence of laws of King Vakhtang, borrow from Russian laws”[14] [15].

The Russian government has sometimes limited itself to only the most general powers of local law. Thus, the Diploma of Grant to the Baku owner Huseyn-Kuli-Khan “On his acceptance of him and the entire Baku region into Russian citizenship” dated August 28, 1801, instructed the local authorities “to keep the people in order and, managing with meekness, justice of each according to the places to be content” [11]. With the loyalty of the local rulers of the Russian supreme power and its administration, the latter not only did not interfere in the existing system of social management and regulation but also took measures to preserve them.[16] [17]

**Conclusion**

In 1819, the Caucasian military governor, General A. P. Ermolov, instructed the ruler of the Dagestan village of Akusha Zikhum-kadi, - “From now on ... keep the old way of government and old customs without any change...” [18][19].

Modern researchers in this regard emphasize that “the Russian side did not interfere in the internal affairs of the highlanders, leaving their management in the hands of the local military nobility and village elders. Federal treaties of the Russian Empire with the Muslim rulers of the North Caucasus in the 18th - early 19th centuries recognized the extraterritoriality of the rights of both sides - both the Russian imperial and local general (adat) and Islamic (sharia). In Russian fortresses, the highlanders had to obey the Russian laws
and the Russian merchants and military men who found themselves in the mountain villages had to respect local customs.” [20][21]

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