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The Functionalization of Ownership

Highlights

Groups in Puntland's Elections

Bulgarian-Tatar Epigraphic Monuments

Discovering Thoughts, Inventing Future

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Political Inclusion of Marginalized Groups in Puntland's Elections

By Mohamed Musse Mohamed Kalakaan & Samsam Said Mohamed
University of Bosaso Garowe

Abstract- Elections, whether through direct or indirect democracy, are widely considered an instrument ensuring inclusive political participation in which all citizens are equal regardless of their background. The culture of most African societies often hinders participation of the vulnerable and minority groups *(Raleigh, 2010).* Somalia's minority clans suffered painful exclusions and servitude *(David & Seaboyer, 2011).* Democracy in Africa is one of the most unpredictable political phenomena owing to the multiplicity of factors that support or hinder electoral outcomes *(Ndirangu, 2022).* Therefore, having in mind all those factors, this paper explores how the marginalized groups, including women, minorities, and internally displaced persons (IDPs), were included in politics during Puntland's first-ever democratic local councillor elections, held in 36 districts after several years of state-building since 1998 shifting from the clan-based model, where the ultimate political decisions were made by the traditional clan elders. To delve into the key factors like the level of political participation, the obstacles, and the attitudes of marginalized groups towards their involvement in politics, this study mainly relied on a mixed methods approach, using both quantitative analysis of voter demographics and election data and key informant interviews with policymakers, elected local councilors, political associations/party representatives, electoral officials/ polling staff officials, civil society organizations, academicians, and members of marginalized groups, particularly those who are involved in electoral processes, using semi-structured.

Keywords: election, marginalized groups, unrepresented, political parties, minorities, internally displaced people.

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Political Inclusion of Marginalized Groups in Puntland's Elections

Mohamed Musse Mohamed Kalakaan [α] & Samsam Said Mohamed [σ]

Abstract- Elections, whether through direct or indirect democracy, are widely considered an instrument ensuring inclusive political participation in which all citizens are equal regardless of their background. The culture of most African societies often hinders participation of the vulnerable and minority groups *(Raleigh, 2010).* Somalia's minority clans suffered painful exclusions and servitude *(David & Seaboyer, 2011).* Democracy in Africa is one of the most unpredictable political phenomena owing to the multiplicity of factors that support or hinder electoral outcomes *(Ndirangu, 2022).* Therefore, having in mind all those factors, this paper explores how the marginalized groups, including women, minorities, and internally displaced persons (IDPs), were included in politics during Puntland's first-ever democratic local councillor elections, held in 36 districts after several years of state-building since 1998 shifting from the clan-based model, where the ultimate political decisions were made by the traditional clan elders. To delve into the key factors like the level of political participation, the obstacles, and the attitudes of marginalized groups towards their involvement in politics, this study mainly relied on a mixed methods approach, using both quantitative analysis of voter demographics and election data and key informant interviews with policymakers, elected local councilors, political associations/party representatives, electoral officials/polling staff officials, civil society organizations, academicians, and members of marginalized groups, particularly those who are involved in electoral processes, using semi-structured. After rigorous analysis, the study found that of the 780 elected local councillors, only 160 are female, changing into 942 local councillors, only 163 women, four are minorities, four represent internally displaced peoples (IDPs) of the south-central of Somalia, and none represent people with special needs or disabled people. Such gender disparities and minimal inclusion of the marginalized can be attributed to the lack of a cohesive advocacy strategy in place, insufficient funding and inadequate time for campaigning, the undeniable influence of political party leaders over poll workers, a tremendously higher illiteracy rate, and limited law enforcement.

Keywords: election, marginalized groups, unrepresented, political parties, minorities, internally displaced people.

I. Introduction

During the Aristotelian era, from ancient Greece's perspective on citizenship, citizens were understood as those individuals that could rule and be ruled (women, people experiencing poverty, enslaved people, and immigrants were omitted). In its essence, the excluded people in the Aristotelian era are those referred to today as disadvantaged or marginalized communities *(Elmi, 2016).* In modern times, most democratic nations, in the light of their constitutions, all citizens are observed to be equal in all aspects of civil and political rights, irrespective of their ethnicity, race, gender, or social status. Because inclusion of marginalized groups in political participation continues to gather substantial debate, mainly, much attention has been drawn to the culture of most African societies that often hinders participation of the vulnerable and minority groups *(Raleigh, 2010).* However, minority groups have suffered from marginalization, exclusion from economic, social and political life, cultural acts of violence, and abuse of their right to education and sustainable development. Minority members have also been subjected to hate speech, which has served to perpetuate stereotypes, prejudice, othering, and enemy imaging *(Hoehne, 2015).* Somalia's minority clans suffered painful exclusions and servitude. The Somali "minority" clans are the Bantu, a large group of southern riverine farmers whose lineage is believed to pre-date that of the majority clans; the Benadiri, a mercantile class of Arabian descent; and a group of several trade-practicing clans known collectively (and pejoratively) as the migdin. *(David & Seaboyer, 2011).* In the context of this paper, marginalized groups are referred to those whose political rights are deprived of because they are stamped unable to run for political office or prevented from using any of the resources available to reach those positions out. These groups include women, internally displaced persons, people with special needs (disabilities), and members of monitory clans.

From the independence in 1960 to the 1990s, the Republic of Somalia has barely functioned as a single country, even though its first president was democratically elected in 1960 shortly after gaining independence *(UNCT, 2007).* However, the Supreme Revolutionary Council led by Ziyad Barre tragically shut off Somalia's light and it suspended the 1960 constitution on October 21, 1969, issuing the First Charter of the Revolution, and a year later, the Second Charter, declaring that 'as from October 21, 1970, the Somali Democratic Republic will adopt Scientific Socialism' *(Omar, 1992).* This ungainly policy caused the Republic of Somalia to enter a period of

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statelessness after the overthrow of a tyrannical regime in 1991 following eight years of chaos and civil war in the country's south and central regions. Nevertheless, the inhabitants of Somalia's northeastern areas, currently known as Puntland, came to conference that formed a semi-autonomous state in 1998, with a 3-year charter envisioning living in peace and stability, transitioning from the clan-based model to a democratic system, and having the goal of becoming future federal member state of Somalia.

After several years of state-building, Puntland held its first democratic elections for local councilors in 36 districts, marking the first such election since 1969. In general, 215,035 voters participated, electing 780 councillors *(Puntland Ministry of Interior, 2023).* Throughout this election, it is assumed that the political rights of the minority and marginalized groups are observed in principle. Because democracy in Africa is one of the most unpredictable political phenomena owing to the multiplicity of factors that support or hinder electoral outcomes *(Ndirangu, 2022).* One of the widely cited causes of undemocratic electoral outcomes in Africa is the low inclusion of marginalized groups, such as people living with disabilities, minority communities/ethnicities/races, age, gender, among others *(Nchofoung et al., 2021).* The purpose of this paper is to explore how marginalized groups were included in politics during Puntland's first-ever democratic elections. With consideration the degree of the political participation, the obstacles, and the attitudes of the marginalized groups regarding their presence in politics. This study mainly relied on a mixed methods approach, using both quantitative analysis of voter demographics and election data and critical informants interviews with policymakers, elected local councillors, political associations representatives, electoral officials/polling staff officials, civil society organizations, academicians, members of marginalized groups including minorities clans, women and youth groups, and persons with disabilities who involved in electoral processes, using semi-structured questionnaire through multistage random sampling techniques. Besides, the researchers showed observations during political rallies, meetings, and community gatherings of the pollical associations to further understand the levels of inclusion and participation of marginalized groups since there was a preliminary pilot election at three districts, namely Ufyen, Qardho and Eyl, followed by thirty districts in one time and other three districts, namely Garoowe, Dangoroyo and Godobjiraan in Nugaal region of which postponed due to tensions Garowe, where opposition boycotts and voter disputes led to some delays and challenges. *(SIDRA, 2023; Somali Digest, 2024).*

II. Theoretical Background

a) Social Inclusion Theory

"Participation" is clearly a term that can encompass a broad range of phenomena: it may be distinguished according to the sphere in which it is expressed (political, social, economic, etc.) or according to the forms it can take *(Kalakaan, M., 2023).* Those who put their faith in expanded participation assume that the desire to participate is widely distributed; thus, opening government doors will lead to a more representative democracy. *(Morris, 2001).* Citizenship is defined as equal and full membership of a community *(Marshall, 1950).* Likewise, in Islamic perspective, the Holy Book attests to the equality of the people as Allah says, "O mankind, verily, we have created you from a single pair of a male and a female and have made you into nations and tribes, that you may know each other. Verily the most honored of you in the sight of Almighty Allah is the most righteous" (Quran, 49:13). Likewise, Hadith from At-Tirmidhi (narrated by Prophet Muhammad, PBUH) said in authentic Hadith, "O mankind, your Lord is One and your father is One. You all descended from Adam, and Adam was created from the earth. He is most honored among you in the sight of God who is most upright. No Arab is superior to a non-Arab, no coloured person to a white person, or a white person to a coloured person except by Taqwa (piety)[1].

b) Legal Frameworks in Favour of Gender Equality

Limbani & Darius (2015) noted that Universal Declaration on Human Rights (1948) states "rights and freedoms will not be limited by a person's gender and all human beings are born free and equal in dignity and rights. According to United Nations, (1966), International Convention on the Elimination of all Forms of Racial Discrimination, of article (2.2) underlines that "States parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been met." International Covenant on Civil and Political Rights (1966), of article (27) also states that "in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their religion, or to use their

[1] Sunan At-Tirmidhi (Hadith 3270).

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language". African Charter on Human and Peoples' Rights (1981), of article (8) stipulates that "Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures re stricting the exercise of these freedoms". Similarly, the Somali Constitution 1960 (as cited by *Elmi*) states that in terms of rights, at least in theory, Somalia's first constitution enacted in 1960, guaranteed civil, political and social/economic rights to all citizens. In part two of the constitution; citizens have the right to vote, the right to public office, the right to reside and travel freely in any part of the state's territory, and the right to political association. In addition, citizens have the "freedom of religion, thought and to own property" *(Kalakaan, M., 2023).* Subsequently, the Puntland Constitution (2009), of article 12 stipulates 'the equality of the people', emphasizing that "No person shall be discriminated against based on colour, religion, birth, nationality, property, belief, political affiliation, language, or race and that the constitution shall safeguard the rights of minorities. Likewise, Article 5 of the Puntland Voter Registration Act underlines that any Somali citizen who has lived in Puntland for not less than ten years has the right to vote and be elected.

III. Discussions

a) Political Participation

The traditional electoral system in Puntland is much like the Federal Republic of Somalia, known as the 4.5 formula (Four main clans and a clan perceived as minority), in which the titled elders could play a pivotal role in the selection of representatives for their respective clans and endorse candidates for political position at local, state and federal levels, with rotation model within the clan and sub-clans balancing the clan powers and dynamics. The elders, in most of time, prefer the male candidates to women. In challenging such social inequality, for the past two decades, the civil society, intellectuals and activists, local and international, have been pushing a political agenda lobbying and advocating for marginalized groups in Somalia—including women, minorities, and internally displaced persons (IDPs)—to create a space for political representation within the framework of country's 4.5 formula. The clan-based electoral model has had a clear impact on inclusivity within Puntland's political landscape. Out of 66 state parliamentary seats in Puntland, only one is held by a woman, and no seats are allocated to internally displaced persons (IDPs) or minority clans except one seat, which is in a rotation with other clans resides the Nugal region who hail from whom considered themselves as majority.

This pattern of exclusion extends to the federal level, where 48 of the two houses: senators and house of people, only 9 are women (6 house of the people and 3 senators), and a low number of seats are held by minorities hailing from the State of Puntland. In good faith, it was expected to expand participation for these groups, especially with the introduction of democratic elections *(Raleigh, 2010).* Hence, the State of Puntland, which is a part and parcel of the Federal Republic of Somalia in de jure but in fact administers its own internal affairs, initiated a democratization process that successfully held local elections for the first time in over 60 years in 2021. The local elections are seen as a means to promote broader political participation, inclusivity, and moving away from the deeply entrenched clan-based power-sharing model. Democratic election at local governments is seen as the sole mechanism to achieve full-fledged political participation and inclusivity irrespective of political affiliation, clan connections and gender or age distinctions. Participatory democracy is the ultimate panacea to reducing minority inequalities since the opening inclusive spaces integrates every segment of the society *(Lupien, 2018).* Despite these steps toward inclusion, debates persist regarding the cultural and structural barriers that hinder political participation for marginalized groups, a challenge shared across many African societies *(Raleigh, 2010).* The social network theory proposes that marginalized groups can be integrated into political participation by unlocking their group-level interactions through education and other essential inputs, such as individual resources and group membership *(McClurg, 2003).* Accordingly, women's political participation is a central element of democracy, and the nature and degree of women's participation is a vital indicator of the quality of democracy *(Massimo, T., 2013).* Yet, women in post-conflict societies such as Somalia must be enabled to enter the corridors of power and formal decision-making processes *(Shukria, 2013).*

Nevertheless, the data found offers snapshot of marginalized groups representation in Puntland's first-ever local councillor's elected totaling 942, only 162 seats (18%) were occupied by women, while 780 seats (82%) were filled by men, across 36 districts *(PEC, 2023).* This is an unquestionable proof that there is excellent gender inequality in Puntland's political domain because men still hold the majority of local councillor seats. On the other hand, gloriously, for the first time, four seats were reserved for the minorities and four other seats for the IDPs. In Puntland, IDPs are referred to as those people hailing from the regions of the south-central of Somalia. In comparison with the Puntland local councillor's election which was managed by the clan elders, with no representation for IDPs or minorities, Puntland's local election reflects a dramatic shift towards upholding democratic values and principles because the most vulnerable marginalized groups minorities and IDPs were allowed their political rights to exercise. Despite meaningful political participation for the marginalized communities remains limited (UNDP, 2023). Similarly, women, who constitute a half of

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Puntland's population—nearly 42.5% of 4 million—are underrepresented because the number of seats in local councilors remains unchanged at 18% (160 seats) across both the traditional elections.

b) Minority clans in Somalia

The clans like Gaboye, Tumal, and Yibir are ethnically associated with the Samale, which forms a dominant clan in Somalia. However, cultural stigma and traditions have excluded them as outcastes from the Samale clan. They engage in the activities of blacksmithing and shoemaking, as well as being hunters/gatherers. They live mainly in central and northern Somalia *(UNCU/UN-OCHA SOMALIA, 2002)*. ACCORD (as cited in OSAR, 2018) also states that Gabooye of the Tumaal (blacksmiths), Midgan (shoemakers, hunters and gatherers, poison makers, and hairdressers), and the Yibr or Yibro, who are often claimed to be descendants of early Hebrews who settled in the Horn of Africa, live along the coast in Mogadishu and in Bosasso, Borama, and Burco are considered a minority.

Despite the two authors are in contradicting the original descendants of monitory clans, but they are in common that those clans are marginalized because of their skills, which justified being deprived of the fundamental rights in life such as the right to vote and to be voted, right to marriage, education and even employment. Conversely, the findings depict that cultural barrier is attributed to underlying factors hindering the participation of marginalized groups, with 86.1% (62.8% Agree, 23.3% Strongly Agree) of respondents agreeing that these groups are often viewed as lacking the capacity to contribute meaningfully. This highlight underlying social attitudes that can discourage marginalized groups from being active in politics. MRG (as cited in *OSAR, 2018*) shed a light that the clan structure of the majorities continues to exclude minorities from significant political participation and employment, limits their access to justice where abuse has been perpetrated against them or they stand accused of a crime, denies them their rights to development, education and sustainable livelihoods; and prevents and punishes inter-marriage with members of majority groups. Majorities also routinely subject minority members to hate speech, which has served to perpetuate stereotypes of minorities relating to their physical appearance and traditional practices and thus heighten their exclusion.

Hence, the findings unearthed the absence of role models from marginalized communities. Of 93.1% of respondents (60.5% Agree, 32.6% Strongly Agree) acknowledged that if minority clans were better represented in higher positions within political parties and government institutions, it would likely enhance their chances of securing a fair share of elected local councillor positions. This increased representation at the political leadership level can help ensure that the interests and concerns of minority communities are better addressed, thereby promoting more equitable and inclusive political processes. Research suggests that when marginalized groups hold influential roles, they can advocate for policies that protect their rights and facilitate greater participation in governance (Dufresne, 2017; Young, 2000). Moreover, this may reflect the need for representation and leadership from within marginalized groups in political parties and government institutions, i.e ministries, directors and agencies to inspire greater inclusion and engagement in democratization processes and political podium. Notwithstanding, the legal framework of Puntland includes measures aimed at promoting affirmative action for minority clans, ensuring their representation in private sector through Puntland Labor Law No. 4 of 2011, Article Thirty-One on 'Employment Procedure' that ascertains that every business corporation, agency or industrial establishment to which this code is applicable is required to make sure that at least one of every fifteen employees working for him/it, of whatever level, is a member of the underprivileged groups such as Gabooye or Tumaal in Puntland. Yet, there is no other legal document, even in the 'Law No. 12 of October 1, 2018, regarding the Civil Service Law of Puntland State', in which mentioned a single provision providing the monitoring clans an opportunity to be part of government business. Negating and ostracizing minority groups will delay political and socio-economic development of countries whereas political inclusion promotes state-building, peace, and social cohesion *(Ndirangu, 2022)*.

c) Accessibility Issues

The study unveiled that financial constrain for campaigns is one of crucial factors that can be attributed to women's underrepresentation in Puntland local elections. 88.4% of the respondents underline that financial constrain is the most significant factor that hinder minority groups and women's efforts to gain political position. Likewise, 95.4% (72.1% Agree, 23.3% Strongly Agree) of the respondents believe that the most notable challenges that could impede the marginalized groups from inclusion include 'limited access to political information'. Because some of the noticeable challenges facing marginalized and indigenous groups in the electoral process include the inability to access electoral centers *(Htun & Ossa, 2013)*.

Various structural and logistical challenges, including insufficient lobbying, a fragmented approach, lack of funding, and limited campaign time, have limited these groups' ability to gain a fair share in the political process *(UN Women, 2022)*.

On the other hand, the researchers found that 86.1% of participants agreed, with 32.6% strongly agreeing, that increasing political participation and

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access for marginalized groups is crucial for the democratic process. The inclusion of women in political institutions has been facilitated through gender quotas, which fall into three categories: legislative quotas, political party quotas, and reserved seats. However, for these quotas to be effective, they must be embedded in the country's legal framework, including the constitution, the Electoral Law, and the Political Party Law *(Affi & Zainab, 2022).* The empowerment of marginalized communities to engage politically at local, state, or federal levels must be supported by legal guarantees, such as quotas, which ensure fair representation *(UNDP, 2023).* Without such guarantees, these communities face various barriers to securing a more equitable political role *(Human Rights Watch, 2022).* Affirmative action provisions, for instance, aim to ensure that minorities and marginalized groups have representation in governance, while parliament is tasked with enacting legislation to further promote these groups' participation *(Affi & Zainab, 2022).*

Subsequently, in this study, the findings highlight, in relation to the inclusion of marginalized groups and individuals with limited literacy, that high rates of illiteracy were cited as a disruptive factor, with 79% (48.8% Agree, 30.2% Strongly Agree) of respondents recognizing its role in causing significant challenges. Surprisingly, the study also found that certain candidates and political party leaders have resorted to bribing voters, with the help of poll workers, offering between $5 and $15 per vote, particularly targeting unschooled people or marginalized communities in exchange for their support. On the contrary, the findings reveal that the support for writing assistance that was provided to illiterate populations had a positive impact on election success, with 86% (65.1% agree, 20.9% strongly agree) of respondents agreeing to this statement. This suggests that support for illiterate voters may enhance participation and engagement in the electoral process, possibly by reducing barriers to voting and empowering citizens.

d) Access to Information

Access to political information surfaced as a key barrier during the democratic elections in Puntland, with 95.4% of respondents agreeing that limited information access impedes marginalized groups from participating fully. Security concerns and logistical constraints often limit access to information, particularly in remote areas. Issues such as internet accessibility, conflicts, and opposition boycotts during elections complicate efforts to provide citizens with reliable political information *(SIDRA Institute, 2023).* Due to limited infrastructure and occasional government restrictions, there are gaps in reaching all citizens, particularly those in rural or underserved areas *(Interpeace, 2021).* Accordingly, this finding underscores the importance of information dissemination for inclusive political processes, as access to relevant information is essential for informed decision-making and participation as it enables citizens to understand political processes, evaluate candidates, and hold leaders accountable. Civic education campaigns have been essential in educating the public about democratic processes *(PDRC, 2024).* Political parties in Puntland have taken on the role of disseminating political information to their supporters. However, political bias and varying access to resources among parties can create disparities in how effectively information reaches the populace *(WardheerNews, 2024).*

e) Political Parties' Involvement in Elections

After the initial pilot elections in the districts of Eyl, Ufeyn, and Gardho, political parties exerted influence over the electoral commission, urging it to amend the electoral law. They sought to find a legal justification for requiring candidates to fund their own campaigns, mobilize support under their individual legal identities, and modify the election system. TPEC has amended the "Closing List Procedure" to the "Closed List Clarification Procedure." This new procedure addresses concerns about candidates at the bottom of the list who do not campaign or contribute votes to their respective political associations (PDRC, 2023). One fundamental change was to alter the first-past-the-post (FPTP) voting system, allowing candidates who placed lower or in the middle of the rankings to secure a seat still as long as they met the required vote threshold. This change created a loophole that disproportionately benefited candidates from dominant clans, particularly male candidates. As it affects Puntland's current electoral laws, the guideline for women and marginalized community political inclusion of 2021 stipulates that "*in each district council election, at least one of the three candidates must be a woman, which is intended to ensure a minimum of 30% representation for women, otherwise, the Electoral Commission has the authority to reject candidate lists that do not comply with or are not in alignment with the 3-1 model.* Likewise, *the candidate list for each district must include at least one candidate from marginalized groups, so that these groups can fully participate in the electoral process at all levels, provided they reside in that district*".

Nonetheless, the arrangement as mentioned earlier for inclusion ended up with empty terms on a paper because neither PEC nor a political party monitored the compliance of those terms. In this aspect, most respondents underlined that Puntland's political parties are controlled by a single individual or a small group when selecting candidates for local council positions. Despite this, the leadership of the political parties fail to reflect a diversity of representation, even within their circle of governing bodies, notably overlooking the significance of socially disadvantaged communities' inclusion to Puntland's democratization

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process and social cohesion and fraternity. Moreover, the political parties failed to prioritize marginalized people when submitting their candidate lists, and Puntland Electoral Commission, which is the sole authority responsible for ensuring compliance with Puntland's electoral laws, appears indifferent to whether these legal provisions upheld. But it is worth asking, if clan chiefdoms were the sole decision-makers in choosing who shall be a local councilor, what would distinguish political party leaders?

Besides, as most of the respondents said, some councilor candidates spent a vast amount of money on their campaigns without external injection. Therefore, they collected voter registration cards from PEC centers. Afterward, the voters were contacted and informed, saying, "*We have your voter ID; can you come and pick it up?*" with the added request that "*vote for me and/or our political party.*" In some cases, before the voters arrived, they were asked to pledge that they would vote for them. If a voter expressed disinterest, they were then told that that mistakenly called and that there was no ID of theirs with them. In reality, such mischievous behavior goes against the principles of data protection and privacy of citizens, jeopardizing the trustworthiness of the electoral commission in the future.

In a nutshell, the data reveals that persistent gender disparities and minimal inclusion of marginalized people can be attributed to the lack of a cohesive advocacy strategy in place, insufficient funding and inadequate time for campaigning, the undeniable influence of political party leaders over poll workers, a tremendously higher illiteracy rate, and limited law enforcement. Thus, addressing these shortcomings will require structural reforms and a more organized, strategic effort by marginalized communities to break down entrenched social and political barriers *(Raleigh, 2010; Human Rights Watch, 2022).*

IV. Conclusion

Puntland's democratic elections represent a milestone in the Somalia political landscape, as Puntland successfully held local councillor elections for the first time in 36 districts, after almost 40 years of suspending such elections in Somalia since 1969. Generally, 387,094 voters were registered in biometric, of which 199,416 were female and cast ballots, electing 942 local councillors, of which 163 are women, four are minorities, four represent internally displaced peoples (IDPs) of the south-central of Somalia, and none represent people with special needs. However, the finding highlights that there is still a long, rough road to tackle as the result of the long-awaited democratic election tarnishes marginalized groups' efforts in seeking to gain fair political share in local councilors has been affected by a number of factors including inter alia, lack of appropriate advocacy plans and inclusive measures—such as formal legal quotas, insufficient funding, inadequate campaign time and higher illiteracy rate. Above all, the so-called political parties failed to comply with Puntland's election laws while submitting the lists of candidates to the Puntland Electoral Commission, ensuring that marginalized groups were prioritized in a way that gave them access to be in a good passion in the list of nominees.

Addressing these shortcomings, the findings suggest that targeted interventions, such as literacy support, empowering the candidates of marginalized groups, improving access to information, promoting role models and adopting laws that legalize quotas and reserve seats for marginalized groups, particularly the minorities and taking measures for the safety of voters, and strictly observing the poll workers. Such interventions may bring twofold benefits: reduce the rooted social and political barriers to marginalized people and enhance their participation and inclusion in the electoral process.

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The Functionalization of Ownership

By Rodrigo Xavier Pontes de Oliveira & Olivia Brandao Melo Campelo

Abstract- This article analyzes the functionalization of possession in the Brazilian legal system, highlighting its historical evolution. Based on a historical-evolutionary approach and a literature review, the main legal theories regarding possession are presented, such as Saleilles's economic appropriation theory, Perozzi's social theory, and Gil's functional theory, which associate possession with its economic character and social function. The research emphasizes that possession, by fulfilling a social and productive function, becomes autonomous in relation to property, which consequently loses its static nature. The study highlights the main legal aspects of possessory protection, such as applicable judicial actions and the possessor's rights, including retention for improvements and acquisitive prescription (usucapion). Finally, the study concludes that functionalized possession consolidates itself as a dynamic and essential instrument for achieving constitutional goals.

Keywords: *possession. social function, possessory protection, civil law, changes in civil order.*

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The Functionalization of Ownership

A Funcionalização da Posse

Rodrigo Xavier Pontes de Oliveira [α] & Olivia Brandao Melo Campelo [σ]

Resumo- O presente artigo analisa a funcionalização da posse no ordenamento jurídico brasileiro, destacando sua evolução histórica. A partir de uma abordagem histórico-evolutiva e de revisão de literatura, são apresentadas as principais teorias jurídicas sobre a posse, como a apropriação econômica de Saleilles, a teoria social de Perozzi e a teoria funcional de Gil, que a vinculam ao seu caráter econômico e à função social. A pesquisa enfatiza que a posse, ao cumprir função social e produtiva, se torna autônoma em relação à propriedade, que por sua vez perde seu caráter estático. Destacam-se os principais aspectos jurídicos da tutela possessória, como ações judiciais cabíveis e direitos do possuidor, incluindo retenção por benfeitorias e usucapião. Por fim, conclui-se que a posse, ao ser funcionalizada, consolida-se como um instrumento dinâmico e essencial para a realização dos fins constitucionais.

Palavras-chave: posse. função social. tutela possessória. direito civil. mudanças na ordem civil.

Abstract- This article analyzes the functionalization of possession in the Brazilian legal system, highlighting its historical evolution. Based on a historical-evolutionary approach and a literature review, the main legal theories regarding possession are presented, such as Saleilles's economic appropriation theory, Perozzi's social theory, and Gil's functional theory, which associate possession with its economic character and social function. The research emphasizes that possession, by fulfilling a social and productive function, becomes autonomous in relation to property, which consequently loses its static nature. The study highlights the main legal aspects of possessory protection, such as applicable judicial actions and the possessor's rights, including retention for improvements and acquisitive prescription (usucapion). Finally, the study concludes that functionalized possession consolidates itself as a dynamic and essential instrument for achieving constitutional goals.

Keywords: possession, social function, possessory protection, civil law, changes in civil order.

I. Introdução

A Secretaria de Reforma do Judiciário do governo brasileiro,[1] em pesquisa sobre conflitos fundiários, apontou a necessidade de releitura do regime jurídico da posse para, de um lado, evitar confusão com o da propriedade e, de outro, priorizar a posse social e o impacto econômico e ambiental.

Por meio de revisão de literatura, e de uma abordagem histórico-evolutiva, o presente artigo busca discutir a funcionalização da posse no ordenamento jurídico brasileiro, de modo a contribuir para o fortalecimento da tutela processual voltada à avaliação do preenchimento do caractere social.

O texto apresenta a evolução do conceito de posse sob uma perspectiva funcionalista, destacando a crise do positivismo jurídico após a Primeira Guerra Mundial e a necessidade de adaptação do Direito às demandas socioeconômicas. A posse, anteriormente vista de forma individualista, passa a ser interpretada sob o princípio da função social. Essa nova abordagem reconhece a posse como elemento dinâmico, ao estabelecer deveres ao titular em benefício da sociedade.

Em seguida, explora a funcionalização da tutela possessória, destacando a evolução das teorias jurídicas da posse: a apropriação econômica de Saleilles, que diferencia posse e detenção pela independência econômica; a teoria social de Perozzi, que valoriza a aceitação social da posse; e a teoria funcional de Gil, que atribui à posse um caráter econômico, vinculando sua legitimidade à utilidade produtiva do bem. A posse é apresentada como autônoma e dinâmica em oposição à propriedade estática, consolidando-se pela sua função social, que deve atender interesses coletivos, como moradia, produção e desenvolvimento econômico.

Por fim, aborda a caracterização e tutela da posse, destacando seus principais aspectos jurídicos. A posse gera direitos como manejo de interditos, percepção de frutos, retenção por benfeitorias, responsabilidade por deterioração e aquisição por usucapião, evidenciando sua função social. São elencadas ações possessórias para proteção contra turbação, esbulho ou ameaça e destacada que a posse cumpre uma função social ao atender necessidades básicas como moradia, trabalho e produção.

II. Por Uma Interpretação Funcionalista da Posse

A interpretação e aplicação do Direito sofreram inúmeras alterações nos últimos séculos e tais

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[1] "Pesquisa sobre soluções alternativas para conflitos fundiários urbanos", Relatório 4 - Final - Governo Federal, Ministério da Justiça, Secretaria de Reforma do Judiciário, Programa das Nações Unidas para o Desenvolvimento (PNUD), São Paulo/Brasília, julho de 2013.

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mudanças causaram uma crise do positivismo decorrente das novas visões pós primeira grande guerra mundial. FERRAZ JR. (1980, p. 74) relata que o desenvolvimento da dogmática jurídica passou a atribuir conceitos de caráter abstrato e de inclusão do Direito dentro de uma realidade social. Assim, o jurista passa de verificador da interpretação da lei e vontade do legislador para um verdadeiro alquimista do Direito e do conteúdo da lei. No ambiente pós-guerra, o homem passou a traçar diretrizes sob o pretexto de uma vida coletiva e solidária. O positivismo passou a perder espaço para uma visão mais compartilhada.

ALBUQUERQUE (2002, p. 7) traz à lume o fato de que uma das perspectivas da dogmática jurídica atual é o princípio diretivo do ordenamento jurídico e não apenas uma norma exclusiva sobre, por exemplo, direito de propriedade. Antes de um instituto individualizado, outros fundamentos do estado social e democrático de direito e do bem comum devem ser considerados.

FERRAZ JR. (1980, p. 265) ressalta que as normas nunca podem buscar fins antissociais, destacando que elas devem ter o objetivo de garantir o bem comum e a sociabilidade.

Sob esse prisma, a análise da função social da posse conduz o intérprete a um caminho que não pode se desviar da dogmática jurídica e do necessário enfoque funcionalista que BOBBIO (2011, p. 16) destaca por ser uma necessária verificação do fenômeno normativo por novos relevos e por uma relação diferente do meio e fim legal. É necessário que o enfoque seja funcionalista em detrimento do estrutural porque neste a interpretação do sentido das normas é realizada por meio de questões formais, enquanto na funcionalista a problemática se volta à análise de situações.

BOBBIO (2011, p. 22) leciona que a definição adequada do Direito deve passar pela verificação sob o ponto de vista de ordenamento e não sob o ponto de vista de norma particular. Por isso mesmo que o estudo da posse não deve se limitar ao disposto no Código Civil brasileiro. Bem por isso, a Constituição brasileira prevê que a propriedade atenderá a função social (art. 5, XXIII), indicando-a como um princípio da ordem econômica e financeira (art. 170, III). Por outro lado, a mesma constituição pune aquele que utiliza a propriedade de forma absolutista e sem o exercício da função social, quando autoriza a desapropriação de áreas que não estejam cumprindo a sua função social (art. 184). A política agrícola deverá ser planejada e executada por meio de instrumentos de crédito e fiscal, assistência técnica e extensão rural, cooperativismo etc. (art. 187).

MAXIMILIANO (2022, p. 779) destaca que o que hoje se regula não é fruto de algo repentino, em verdade, o Direito não se inventa, é produto lento da evolução e fruto da adaptação do meio, é o resultado das relações humanas do passado. GROSSI (2017, p. 16) [2] entende que a lei é resultado do comportamento de uma civilização, sendo criada a partir das dobras da natureza e da sociedade.

A propriedade no mundo antigo era algo estabelecido sob a proteção do deus doméstico, sendo parte da esfera mais íntima da família greco-romana. Neste ponto, era inconcebível se falar em limites e numa propriedade voltada à comunidade (COMPARATO, 2000, p. 133)

A sacralidade da propriedade perde espaço à medida que o estado burguês avança e que o aspecto econômico da utilização das coisas se acentua. Assim, à medida que a propriedade passou a ser tida como um direito fundamental, a função social também foi recebendo valor e a visão tradicional deu espaço à propriedade-dever. É o que COMPARATO (2000, p.141) chama de lado passivo dos direitos humanos alheios.

Vive-se um ambiente de remodelamento do absolutismo, exclusividade e perpetuidade do direito. O absolutismo recebe o freio da restrição de se usar e gozar da coisa como bem entender. A exclusividade, por sua vez, é atingida quando a lei confere a pessoas não proprietárias o direito de se defender em face dele. Por fim, a perpetuidade é temperada quando há ampliação do rol das hipóteses de perda da propriedade.

Trata-se, portanto, de inevitável reconhecimento de um valor intenso à função social das coisas. Segundo DUGUIT (1975, p. 240), todo indivíduo deve exercer uma função social conforme sua posição. O detentor de riqueza, por possuir capital, tem a obrigação de usá-lo para aumentar a riqueza coletiva. A proteção social só ocorre se ele cumprir essa tarefa. Assim, a propriedade não é um direito subjetivo, mas uma função social do possuidor da riqueza.

VIANA (1993, p. 46) leciona que a tutela via interdito para o proprietário pelo simples fato de o ser se mostra inadequada porque a titularidade do domínio não implica posse da coisa e é possível que esta fique apenas no estado potencial. Nesses casos o titular, embora possua o direito de usar e gozar, não o faz e se outra pessoa agiu e cumpriu os requisitos legais é ele quem merece a proteção possessória.

A função social da propriedade é uma cláusula geral de deveres regentes da atividade econômica, que serve de baliza para o exercício do direito de propriedade por meio do estabelecimento de obrigações ao próprio titular de direitos. Ou seja, há a necessidade de atendimento do interesse não apenas do titular, mas da coletividade refletido por deveres, direitos e outras características próprias de um direito que deixa de ser absoluto e individualista. Trata-se da nova visão da relação do homem com o bem imóvel, sem implicar em inovação na dogmática jurídica, mas

[2]

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sim de uma releitura do instituto da posse, que passa a ter uma feição social e de utilidade coletiva (ALBUQUERQUE, 2002, p. 11).

III. A Funcionalização do Fundamento Jurídico da Posse

Este tópico já foi desenvolvido de forma mais ampla em artigo publicado em setembro de 2024. Referido estudo (de Sá Lima & de Oliveira, 2024) se debruçou no tratamento dos bens incorpóreos e a defesa processuais destes institutos.

Nesse passo, sabe-se que a posse, historicamente relacionada às teorias de Savigny[3] e Ihering[4], absorveu os avanços das relações humanas e sofreu contribuição da doutrina de Raymond Saleilles, Perozzi e Hernandez Gil. Trata-se, respectivamente, da teoria da apropriação econômica (Saleilles, 1984), da Teoria Social (Perozzi, 1906) e, finalmente, da teoria funcional (Gil, 1969).

Para a teoria da apropriação econômica (1894, p. 207) a posse seria a realização consciente e voluntária da apropriação econômica das coisas. Isto é, o que tornaria posse e detenção diferentes era a observação dos fatos sociais. Onde há fato que estabeleça a independência econômica do possuidor, haveria posse. SALEILLES (1894, p. 209) entende que a posse decorre de si mesma em razão da destinação econômica independente da coisa.

Essa apropriação econômica é que a diferenciava da detenção. SALEILLES (1904, p. 11) vaticina que a detenção é o simples exercício de um poder de fato, mas sem uma atribuição econômica. Possuir, por sua vez, é consolidar uma atribuição econômica à coisa.

Para a teoria social, uma relação entre a pessoa e a coisa e entre o possuidor e a sociedade é desnecessária. A aceitação social é suficiente, ou seja, a existência de costumes sociais para a coexistência na sociedade. Portanto, a posse implica a abstenção de interferência de um terceiro devido ao pertencimento da coisa (PEROZZI, 1906).

Finalmente, a teoria funcional argumenta que a posse e a propriedade são independentes; a posse tem um caráter econômico, e a função social deve respeitar os critérios avaliativos socialmente predominantes (GIL, 1980). O autor afirma que a posse só receberá tratamento de fenômeno social quando a coisa tiver recebido utilidade econômica, ou seja, tiver sido produtiva (GIL, 1980, p. 105).

Portanto, a posse *ius possidendi* ou *ius possessionis* deve ser ancorada numa finalidade social que lhe garanta a funcionalidade almejada e que contribua com a coletividade. Trata-se de proteção à posse em detrimento do abuso do direito de propriedade.

Ou seja, é exatamente esta consciência social que torna a posse autônoma quando confrontada à propriedade. Ora, a propriedade até subsiste sem efetivo exercício de posse, tornando-se mera abstração jurídica. Porém, a posse não tem sustentáculo sem a realidade fática e isso implica na conclusão de que a função social na posse é caractere indispensável para sua consolidação.

O valor jurídico de um bem está relacionado ao seu interesse econômico que é o serviço ao desenvolvimento por meio da produção agrícola, criação de animais ou construção de bens. ZAVASKI (2002, p. 844) enfatizava que até mesmo a função social da propriedade é expressa por atos concretos por meio de quem tem a disponibilidade física dos bens.

REALE (1986, p. 9 e 15) incentivava a posse trabalho sob o entendimento de que não se mostrava salutar o abandono do imóvel para que houvesse valorização às custas alheias. O autor recomenda que o imóvel seja frutificado, construído e/ou estabelecida moradia para construção da expressão da riqueza humana.

Portanto, fica claro que a posse trabalho é uma oposição à propriedade estática e improdutiva. À medida que é considerada autônoma, a posse recebe uma fórmula de utilização das coisas de modo a atender as diligências coletivas. E, a evolução humana faz com que o ser humano se abstenha de intervir em coisa que aparenta ter um dono com o fito de garantir estabilidade social.

TELLES (2021, p. 69) explica que a posse com função social se distingue da posse comum por envolver uma atividade humana relevante do ponto de vista social e econômico. Nos imóveis urbanos, essa função se manifesta por meio da moradia ou de atividades comerciais e industriais. Já nas propriedades rurais, ela ocorre pela produção de bens, serviços ou moradia. Assim, a função social na posse cria uma divisão entre essas formas de utilização. Nesse contexto, conclui que se a função social se exerce por meio da posse e se a propriedade só tem sua concretude social quando o exercício fático atinge os objetivos sociais, tem-se que é a posse que é dotada de função social e não a propriedade em (2021, p. 69).

Por isso mesmo é que, nos termos do art. 1.228, § 4º e 5º, do Código Civil, o legislador autorizou que o magistrado defira proteção ao possuidor que, em ação reivindicatória, comprove posse ininterrupta e de boa-fé por mais de 5 anos cumulada com a prova de obras e serviços de interesse social e econômico relevantes.

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IV. A Funcionalização da Tutela Possessória

A posse dá ensejo ao surgimento de alguns caracteres, tais como o manejo de interditos, percepção de frutos, retenção por benfeitorias, responsabilidade por deterioração, possibilidade de usucapião, posse como estado de fato e posição mais favorável em atenção à propriedade, que tem sua defesa completada pela posse (BEVILAQUA, 1976, p. 24).

Sob o último aspecto, o possuidor pode propor ações possessórias para se proteger contra quem injustamente ameace, moleste ou esbulhe a sua posse. Os remédios judiciais cabíveis são: *i*) manutenção de posse;[5] *ii*) reintegração de posse; *iii*) interdito proibitório;[6] *iv*) nunciação de obra nova;[7] *v*) ação de dano infecto;[8] *vi*) imissão de posse;[9] *vii*) embargos de terceiro[10] e *viii*) ação publiciana.[11]

O interdito visa proteger preventivamente a posse ante o risco de esbulho ou turbação. A turbação é caracterizada por qualquer embaraço ao livre exercício da posse, ainda que o turbador tenha melhor direito sobre a coisa (GOMES: 1998, p. 91). A reintegração tem como fato precedente o esbulho, caracterizado por ser o ato pelo qual o possuidor é despojado injustamente de sua posse em razão de atos clandestinos, violentos ou precários. Tem cabimento tanto contra o esbulhador como contra o terceiro que recebeu a coisa tendo ciência da situação posta (DINIZ e SANTIAGO: 2023, p. 106). Para cabimento do interdito proibitório basta que o autor tenha um fundado receito de que a violência ocorrerá. Ou seja, sequer é necessária a consumação do ato.

A ação de nunciação de obra nova tem como fundamento impedir que exista prejuízo na natureza da coisa em razão da obra realizada em terreno vizinho, entendida obra nova, com MONTEIRO (1994, p. 55), qualquer ato material prejudicial ao bem, não se limitando, portanto, a construção. Essa ação deve ser ajuizada antes da conclusão da obra.

A ação de dano infecto representa ato protetivo em face de risco de que a ruína, demolição ou vício construtivo de prédio vizinho cause ao seu. Seu propósito é o de que o dono do imóvel contiguo preste caução para indenizar eventuais danos futuros.

A imissão de posse visa autorizar o ingresso na posse por via judicial. Os embargos de terceiro têm por propósito defender o bem em face de decisão judicial decorrente de processo que o possuidor sequer é parte integrante. Por fim, a ação publiciana, petitória por natureza, visa proteger a posse da pessoa que adquiriu o bem por usucapião. Trata-se do caso típico daquele que já adquiriu o bem por usucapião e sofre moléstia da sua posse.

Quanto aos acessórios, compete ao possuidor o recebimento dos frutos retirados da coisa. Esses frutos podem ser naturais, industriais e civis e podem estar pendentes, percebidos, estantes, percipiendos ou consumidos.

No que toca à indenização por benfeitorias, o possuidor tem direito, se de boa-fé, a ser indenizado pelas benfeitorias necessárias e úteis, bem como a levantar as voluptuárias que não danifiquem as coisas. Cabe a ele ainda o exercício do direito de retenção. Já o de má-fé tem direito a tão somente receber a quantia despendida com benfeitorias necessárias, sem qualquer direito de retenção.

Se a coisa se perder ou se deteriorar, haverá responsabilidade do possuidor de boa-fé no caso de ter lhe dado causa. Já o possuidor de má-fé responderá ainda que por força maior ou caso fortuito, a menos que comprove que tais fatos ocorreriam ainda que o bem estivesse à disposição do reivindicante.

A posse poderá ensejar na aquisição da propriedade por usucapião e este caractere representa inequívoco respeito ao instituto da função social da posse, à medida que representa um aplauso à utilização com reflexos coletivos da coisa.

De acordo com ALBUQUERQUE (2002, p. 12), o benefício reflete a autonomia da posse em relação aos direitos reais, destacando sua funcionalização social. A autora afirma que essa funcionalização é impulsionada pela necessidade social, como o uso da terra para trabalho e moradia, atendendo necessidades

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[5] As três primeiras (manutenção, reintegração e interdito) se diferenciam pelo momento. Enquanto o primeiro se busca evitar uma turbação, ou seja, um iminente risco; o segundo tipo se dá quando a busca é de retomar posse perdida em razão de violência, clandestinidade ou precariedade.

[6] Art. 1.210. O possuidor tem direito a ser mantido na posse em caso de turbação, restituído no de esbulho, e segurado de violência iminente, se tiver justo receio de ser molestado.

[7] Art. 1.277. O proprietário ou o possuidor de um prédio tem o direito de fazer cessar as interferências prejudiciais à segurança, ao sossego e à saúde dos que o habitam, provocadas pela utilização de propriedade vizinha. [...] Art. 1.299. O proprietário pode levantar em seu terreno as construções que lhe aprouver, salvo o direito dos vizinhos e os regulamentos administrativos.

[8] Art. 1.280. O proprietário ou o possuidor tem direito a exigir do dono do prédio vizinho a demolição, ou a reparação deste, quando ameace ruína, bem como que lhe preste caução pelo dano iminente.

[9] Art. 538. Não cumprida a obrigação de entregar coisa no prazo estabelecido na sentença, será expedido mandado de busca e apreensão ou de imissão na posse em favor do credor, conforme se tratar de coisa móvel ou imóvel

[10] Art. 674. Quem, não sendo parte no processo, sofrer constrição ou ameaça de constrição sobre bens que possua ou sobre os quais tenha direito incompatível com o ato constritivo, poderá requerer seu desfazimento ou sua inibição por meio de embargos de terceiro.

[11] Art. 1.238. Aquele que, por quinze anos, sem interrupção, nem oposição, possuir como seu um imóvel, adquire-lhe a propriedade, independentemente de título e boa-fé; podendo requerer ao juiz que assim o declare por sentença, a qual servirá de título para o registro no Cartório de Registro de Imóveis.
Parágrafo único. O prazo estabelecido neste artigo reduzir-se-á a dez anos se o possuidor houver estabelecido no imóvel a sua moradia habitual, ou nele realizado obras ou serviços de caráter produtivo.

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básicas ligadas à dignidade humana, à cidadania, à proteção da personalidade e à própria vida.

Conforme Telles (2021, p. 73), o possuidor deve dar uma destinação social e econômica ao bem, e não o utilizar apenas para especulação. Caso contrário, prevalece o direito de propriedade ou a posse do ocupante anterior. O autor alerta que a ocupação descumpre a função social quando não promove moradia e habitação na área urbana ou, no caso de áreas rurais, não gera bens de subsistência, quando possível. Assim, moradia, habitação e produção de alimentos são elementos essenciais para concretizar os princípios constitucionais de erradicação da pobreza, redução das desigualdades e respeito à dignidade humana.[12]

V. Conclusão

A evolução histórica e teórica da posse demonstrou que sua função social é o verdadeiro ponto de equilíbrio entre o direito individual e os interesses coletivos, superando a visão tradicional e estática da propriedade. Sob essa perspectiva, a posse, ao cumprir seu papel produtivo e social.

A análise demonstrou que as diversas teorias da posse – apropriação econômica, social e funcional – convergem no reconhecimento de que a posse não é apenas um fato jurídico, mas um fenômeno social relevante. A autonomia da posse, quando desvinculada dos poderes inerentes à propriedade, reforça sua importância como mecanismo de valorização do trabalho e do uso produtivo do bem. As ações possessórias e a tutela judicial garantem a defesa do possuidor que cumpre a função social do bem, alinhando-se às exigências constitucionais e à justiça social.

Por fim, a posse com função social representa um marco no direito contemporâneo, promovendo a utilização racional e produtiva dos bens em benefício da coletividade. A releitura funcionalista proposta neste artigo revela a necessidade de se priorizar a posse ativa e produtiva em detrimento da propriedade inerte e especulativa, oferecendo uma interpretação jurídica que se alinha à realidade social e econômica atual e atende aos princípios fundamentais do ordenamento jurídico brasileiro.

[12] O exercício de fatos sem respeitar tais características representa mera lesão de direito alheio e deve ser repelido pelo Estado para garantir a concretização do interesse coletivo e sucesso das políticas públicas. TELLES (2021, p.74) recomenda que, constatada área que não cumpre sua função social ainda que mínima (pagamento de impostos, *exempli gratia*) não compete à pessoa invadir, mas sim comunicar às autoridades para tomada de ações coletivas.

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Classification of the Bulgarian-Tatar Epigraphic Monuments and Some Controversial Problems of their Study

By Vener Usmanov

The Purpose of the Study- Identification of some unsolved problems of studying and fixing the Bulgarian-Tatar epigraphic monuments. Performing high-quality photographic documentation with accompanying drawings and partial reconstructions. Complete or fragmentary restoration of damaged epitaphs becomes feasible only with a paleographic comparative analysis of calligraphic compositions. At the same time, the main carrier of information about the artifact, in addition to the object under study, is a full–fledged high-quality photograph of the epigraphic monument from all sides where the necessary data are available - compositional solutions, calligraphic decor, ornamental motifs, texts, etc.

In the course of our scientific work, local field studies were conducted on the ground, museum and archival materials were studied and the necessary literature on this topic was reviewed. In our opinion, previous researchers analyzed these artifacts one-sidedly, not comprehensively, for example, from the point of view of philologists only, without taking into account paleographic or artistic characteristics, or vice versa, art historians did not particularly delve into the content of texts and writing features.

Keywords: bulgarian-tatar epigraphy, bulgarian language, r-language, common turkic language, drawings, restoration of texts, transliteration, paleographic and orthographic norms, classification.

GJHSS-F Classification: LCC: JQ3599

CLASSIFICATIONOFTHEBULGARIANTATAREPIGRAPHICMONUMENTSANDSOMECONTROVERSIALPROBLEMSOFTHEIRSTUDY

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Classification of the Bulgarian-Tatar Epigraphic Monuments and Some Controversial Problems of their Study

Классификация Булгаро-Татарских Эпиграфических Памятников и Некоторые Дискуссионные Проблемы их Изучения

Vener Usmanov

The Purpose of the Study- Identification of some unsolved problems of studying and fixing the Bulgarian-Tatar epigraphic monuments. Performing high-quality photographic documentation with accompanying drawings and partial reconstructions. Complete or fragmentary restoration of damaged epitaphs becomes feasible only with a paleographic comparative analysis of calligraphic compositions. At the same time, the main carrier of information about the artifact, in addition to the object under study, is a full–fledged high-quality photograph of the epigraphic monument from all sides where the necessary data are available - compositional solutions, calligraphic decor, ornamental motifs, texts, etc.

In the course of our scientific work, local field studies were conducted on the ground, museum and archival materials were studied and the necessary literature on this topic was reviewed. In our opinion, previous researchers analyzed these artifacts one-sidedly, not comprehensively, for example, from the point of view of philologists only, without taking into account paleographic or artistic characteristics, or vice versa, art historians did not particularly delve into the content of texts and writing features. Despite the tremendous work done by epigraphists O. N.-A. Akchokrakly, N. F. Kalinin, G. V. Yusupov, J. G. Mukhametshin, F. H. Valeev and F. S. Khakimzyanov, there are many unresolved problems in this direction: for example, the question of the status of the Bulgarian (written and spoken) language in the Golden Horde period, the accuracy of its transmission in transliteration with elements of transcription, the correctness readings of some lexemes and personal names, uncertainty of the semantic meaning of a number of words, names and terms, etc. And also, when documenting: the lack of high-quality photographs, illustrations and prints. Often, many of the prints taken are not brought to their logical conclusion, as usual, they lack conscious ink images and texts where the paleographic subtleties of Arabic writing would be clearly displayed. As you know, the main carrier of information about the object is well-executed high-quality photography from all sides, where there is full-fledged graphic information about the cabretache with readable text; in epigraphy studies, ignoring high-quality photographs, prints, prints is unacceptable, since all this contradicts mandatory requirements and elementary methods of scientific work; i.e., the visual component is in this case, it prevails, and everything else is complementary; to offer readers the text of the reading (transliteration, transcription) without a case, i.e. without photographs of epigraphic monuments, we researchers are not satisfied at all, since the compilation of catalogs and registers, without proper quality of graphic images of gravestone steles, (we ourselves do not notice this) impose our own versions of reading epitaphs as an indisputable truth and do not leave the opportunity for readers to verify the correctness of the contents of the proposed lapidary texts.

If we recall some pages from history, in the Golden Horde, in particular, in the Bulgarian Vilayat, two independent Turkic languages continued to exist: international Kipchak-Oguz (Old Tatar) and Bulgarian (it often happens that specialists in Turkology leave this (Bulgarian) direction in linguistics outside of scientific interests (apparently for this reason for this reason, the author of this article, who has only an art education, has to deal with this problem). In this state, there were more opportunities for the spread and development of the Oguzo-Kipchak language (for obvious reasons), and Bulgarian continued to exist, in parallel, only within the Middle Volga region, i.e. both Turkic languages existed simultaneously. For more than 100 years, the Bulgarian territory has been part of the Juchi Ulus and the ethno-linguistic changes caused by it have been taking place in favor of the Kipchak-Oguz language of the general Turkic type. And these phenomena are fully reflected in the epitaphs of the XIII-XV centuries. For example, some Bulgarian words are eventually replaced by Old Tatar ones: instead of the Bulgarian word "grave monument" or "burial place" بلۏی ک (**«беләвике»**) the old Tatar is used, with a similar meaning زیارتی (**«зиярәте»**) [21, p. 249].

There is a need to consolidate and study the Bulgarian-Tatar epigraphic monuments at a qualitatively new level with good photographic fixation, without special material costs, at least using traditional methods of making drawings, as far as possible, taking into account the paleographic features of the texts, with further compilation of a complete set of artifacts with subsequent publication of catalogs.

Bearing in mind the above-mentioned guidelines, in recent years books with better printing and with the obligatory availability of rich illustrative material have been published [20, pp.1-282].

Keywords: Bulgarian-tatar epigraphy, Bulgarian language, r-language, common turkic language, drawings, restoration of texts, transliteration, paleographic and orthographic norms, classification.

Цель исследования- **выявление некоторых нерешенных проблем изучения и фиксации булгаро-татарских**

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эпиграфических памятников. Выполнение качественной фотодокументации с сопровождающими прорисовками и с частичными реконструкциями. Полное или фрагментарное восстановление поврежденных эпитафий становится осуществимым только при палеографическом сопоставительном анализе каллиграфических композиций. При этом главным носителем информации об артефакте кроме исследуемого объекта является полноценная качественная фотография эпиграфического памятника со всех сторон где имеются необходимые данные – композиционные решения, каллиграфический декор, орнаментальные мотивы, тексты и т.п.

В ходе нашей научной работы были проведены локальные полевые исследования на местах, изучены музейные и архивные материалы и обзор необходимой литературы по этой теме. Предыдущими исследователями эти артефакты были анализированы, по нашему мнению однобоко, не комплексно, например, с точки зрения лишь филологов, без учета палеографических или художественных характеристик или наоборот искусствоведами особо не вникая в содержание текстов и особенностей письма. Несмотря на огромную проделанную работу эпиграфистами О. Н.-А. Акчокраклы, Н. Ф. Калининым, Г. В. Юсуповым, Дж. Г. Мухаметшиным, Ф. Х. Валеевым и Ф. С. Хакимзяновым остается много нерешенных проблем в этом направлении: например, вопрос статуса булгарского (письменного и разговорного) языка в Золотоордынский период, точность его передачи в транслитерации с элементами транскрипции, правильность прочтения некоторых лексем и личных имен, неопределенность смыслового значения ряда слов, названий и терминов и т. д. А также, при документировании: отсутствие качественных фотографий, иллюстраций и эстампажей. Зачастую многие снятые оттиски не доведены до логического конца, как обычно, в них отсутствуют осознанные туширование изображения и тексты где четко были бы отображены палеографические тонкости арабского письма. Как известно, главным носителем информации об объекте является хорошо выполненная качественная фотосъемка со всех сторон, где имеется полноценная графическая информация о кабрташе с читабельным текстом; в исследованиях по эпиграфике игнорирование качественных фотографий, эстампов, оттисков недопустимо, так как, это все противоречит обязательным требованиям и элементарным методам научной работы; т.е. изобразительная составляющая является в этом деле превалирующей, а все остальное – дополняющей; предлагать читателям текст чтения (транслитерацию, транскрипцию) без корпуса, т.е. без фотографий эпиграфических памятников, нас – исследователей совершенно не устраивает, так как, составление каталогов и реестров, без надлежащего качества графических изображений надмогильных стел, (мы сами не замечая этого) навязываем свои варианты прочтения эпитафий как непререкаемая истина и не оставляем возможность читателям проверять правильность содержаний предлагаемых лапидарных текстов.

Если вспомнить некоторые страницы из истории, в Золотой Орде, в частности, в Булгарском вилаяте продолжало существовать два самостоятельных тюркских языка: международный кыпчакско-огузский (старо-татарский) и булгарский (нередко бывает так что, специалисты-тюркологи оставляют это (булгарское) направление в лингвистике вне научных интересов (видимо, по этой причине этой проблемой приходится заниматься автору этой статьи, имеющий лишь художественное образование). В этом государстве для распространения и развития огузо-кипчакского языка (по понятным причинам) было больше возможностей, а булгарский продолжал существовать, параллельно, лишь в пределах Среднего Поволжья, т.е. оба тюркских языка существовали одновременно. В течение более 100 лет пребывания Булгарской территории в составе Джучиева Улуса и вызванные с ним этно-лингвистические изменения происходят в пользу кыпчакско-огузского языка общетюркского типа. И эти явления полностью отражаются в эпитафиях XIII-XV вв. Например, некоторые булгарские слова со временем заменяются на старо-татарские: вместо булгарского слова «намогильный памятник» или «место погребения» بلۈى ك (*«беләвике»*) употребляется старо-татарское, аналогичного значения زيارتى (*«зиярәте»*) [Усманов 2023: б. 500].

Есть необходимость закрепления и изучения булгаро-татарских эпиграфических памятников на качественно новом уровне с хорошей фотофиксацией, без особых материальных затрат, хотя бы, используя традиционные способы выполнения прорисовок, насколько это возможно, учитывая палеографические особенности текстов, с дальнейшим составлением полного свода артефактов с последующим изданием каталогов.

Имея ввиду вышеназванные установки, в последние годы издаются книги с более качественной печатью и с обязательным наличием богатого иллюстративного материала [Д.Г. Мөхәммәтшин, Р.Г. Насыйров 2023: 282 б.].

Ключевые слова: булгаро-татарская эпиграфика, булгарский язык, р-язык, общетюркский язык, прорисовки, реставрация текстов, транслитерация, палеографическо-орфографические нормы, классиф-икация.

I. Introduction

Данной статье рассматриваются эпиграфические памятники (кабрташи) Волжской Булгарии эпохи Золотой Орды [Валеев 2020: 116]. Обычно, у мусульман вместо слова «*надгробие*» [Валеев 1984: 71] принято использовать термин «*на(д)могильный камень*». Они являются очень ценными первоисточниками, достоверными документами без последующих добавлений и исправлений (в отличии, скажем, от рукописных книг) по истории этногенеза шимали-тюркских народов, в частности, по вопросам происхождения и географического расселения казанских татар, да и не только [Эпитафии мусульманских ученых Самарканда (X-XIV вв.) 2019]. Кроме этого, мемориальные памятники являются произведениями искусства, где соединяются многие виды творчества: архитектура, декор, поэзия, каллиграфия и т.п. Они, с каждым годом, по причине отрицательных природных воздействий разрушаются и исчезают безвозвратно. И поэтому, сохранение, фиксация, документирование этих артефактов становится для нас насущной потребностью [Ашмарин 2017: 143].

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Эта работа, связанная по составлению каталогов (подобно хронологическому регистру) и издание их в виде печатных книг является вполне осуществимой задачей и она, шаг за шагом продвигается: например, из сохранившихся памятников XIII-XVII в. относительно хорошо изучены; а артефакты XVIII-XX в. тоже можно осилить, акцентируясь на наиболее значимых с художественной точки зрения эпитафиях). Только, таким образом, можно их собрать в одном месте и сохранить для потомков. (Кроме всего, это наследие может быть и в электронных носителях, сейчас ведь возможностей очень много).

Словом, изучение эпиграфических памятников требует целенаправленной работы по выявлению и фиксации (определение размеров, координат, аккуратная и осторожная очистка поверхностей камня от мха и лишайников со всей поверхности и со всех сторон, где имеется какая-либо информация, связанная непосредственно с текстом или с декоративным оформлением) всех булгаро-татарских кабрташей в ходе научных экспедиций по имеющимся «адресам». Обязательное «личное знакомство» с каждой значимой с исторической и с художественной точки зрения эпитафией на местах расположения.

Если камень частично «ушел в землю» то, в этом случае, необходимо аккуратно выкопать эпитафию для фотофиксации с последующей расшифровкой всего сохранившегося текста. Надо подчеркнуть, артефакты-эпитафии в процессе фиксации требуют особого внимания и бережного отношения: при очистке от следов биодеструкций требуется старание, аккуратность и предоставление необходимого времени – столько, сколько необходимо. «Обычно эти памятники, если раньше кем-нибудь не очищались с целью прочтения, бывают покрыты сплошным слоем разъедающего камень лишайника; с ними приходится долго возиться, отмачивая горячей водой с мыльной пеной и очищая травяной щеткой. Только такой тщательной очистки удается удовлетворительно разобраться в некоторых надписях» [Рахим 1930: 145-172].

При очистке и чтении текста важна любая маленькая деталь: элементы букв, огласовки, точки и т.п. А по другому, никак. Это первооснова! Без такого подхода к работе не может быть никакого серьезного исследования с последующим выполнением прорисовки.

В ходе эпиграфических исследований лишь в середине и второй половине XX в., после Н.Ф. Калинина была проведена корректировка классификации памятников времен Золотой Орды, чуть позднее, с некоторыми дополнениями Г. В. Юсуповым и Ф. Хакимзяновым [Мухаметшин 2008: 132] были разделены на две группы по языку, размерам и стилю оформлений. В ходе дальнейших исследований Дж. Мухаметшин осуществляет классификацию *булгаро-татарских эпиграфических памятников* на четыре группы по географическому принципу подчиняя к нему остальные: 1) булгарский, 2) кирмень-джукетауский, 3) восточный и 4) северный округа.

Мы предлагаем следующую классификацию (типологизацию):

1 тип – эпитафии созданные в мастерских г. Болгар: Этого типа эпитафии находятся в разных географических зонах: на современной территории Татарстана, Башкортостана, Чувашии, Ульяновской обл. и в г. Казани [Казаков 1987: 240]. (Не исключается существование отдельных мастерских по изготовлению надмогильных памятников в г. Казани в этот период, тесно связанной с Болгаром). Эпитафии г. Болгара отличаются высоким художественным уровнем исполнения, в особенности принадлежащие правящему классу общества. Видимо, в главном городе Булгарского вилаята существовала не одна, а, несколько мастерских, работающих по цеховому принципу.

В свою очередь, 1-ый тип можно разделить на следующие подтипы:

а) эпитафии созданные в мастерских г. Болгара почерком бегущий сульс (или насх) рельефным способом на арабском языке принадлежащие правящей верхушке, военной и торговой аристократии и служителям культа (Рис. 1);

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Рис. 1: Эпиграфический памятник Сабар-Илчи, дочери Бураш-бека, 1291 г. (г. Казань, Республика Татарстан)

б) эпитафии созданные в мастерских г. Болгара рельефным почерком бегущий сульс (или насх) на арабском и татарском[1] языках принадлежащих правящей верхушке, военной и торговой аристократии и служителям культа;



Рис. 2

Рис. 2: Эпиграфический памятник Шахидуллы, сына Мусы, 1317/1318 гг. (г. Болгар, Республика Татарстан)

[1] Как правило, эпитафии на этих памятниках написаны на арабском и на литературном старо-татарском языке кипчакско-огузского типа (*«татарским письмом»)* [Трепавлов 2024:773], который часто идентифицируется с (чагатайским) тюрки. Следует подчеркнуть, здесь нельзя противопоставлять поволжский тюркский (старотатарский литературный) язык со среднеазиатским, «чагатайский язык образовался в связи с культурным влиянием Золотой Орды на Туркестан, а не наоборот» [Бартольд 2020: 121]. Что касается староузбекских эпиграфических памятников, то они, вероятно, после эпохи великого Алишера Навои (преимущественно) выполнялись уже не на тюркском (староузбекском), а на персидском и арабском языках [Бартольд 2020: 7].

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в) эпитафии созданные в мастерских г. Болгара в сочетании с рельефным почерком бегущий сульс (насх) и рельефный куфи на арабском, татарском и булгарском языках принадлежащих правящей верхушке, военной и торговой аристократии и служителям культа (Рис. 3, 4);

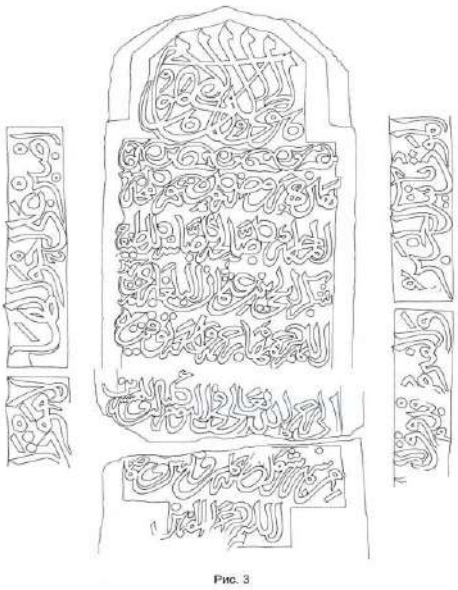

Рис. 3

Рис. 3: Эпиграфический памятник Шекер-илчи, дочери Османа Булгарского (с. Татарское Шапкино Алькеевского района Республики Татарстан).



Рис. 4

Рис. 4: Эпиграфический памятник Джак-ар-Алти (село Татарское Шапкино Алькеевского района Республики Татарстан)

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г) эпитафии созданные в мастерских г. Болгара почерком рельефным куфи на арабском и булгарском языках принадлежащих среднему классу; (видимо, с принятием ислама для тюрко-булгарского языка и в последующие столетия традиционно использовался куфи («*бозык куфи*»), хотя куфический вид письма сами арабы избавились уже в IX веке [Алиева 2009: 392], (Рис. 6);



Рис. 6: Эпиграфический памятник Исмагила, сына Маджара, 1311/1312 гг. (с. г. Чистополь, Республики Татарстан).

д) эпитафии созданные в мастерских г. Болгара рельефным куфи и врезанным куфи на арабском и татарском языках (Рис. 7);



Рис. 7: Эпиграфический памятник Ар-Ходжи, сына Йуркуча. (с. Татарский Калмаюр Чердаклинского района Ульяновской области)

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е) эпитафии созданные в мастерских г. Болгара врезанным почерком куфи на арабском и булгарском языках (Рис. 8);

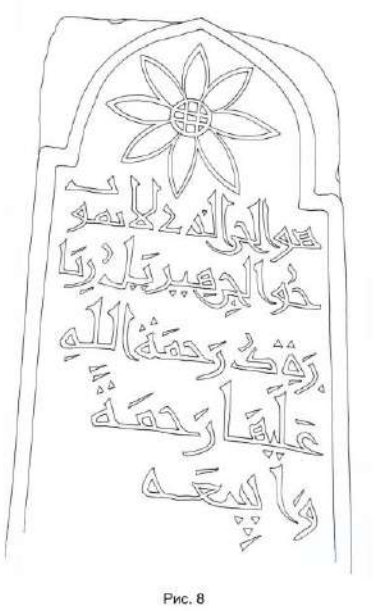

Рис. 8

Рис. 8: Эпиграфический памятник Йалу, дочери Хуалджи. (с. Чувашская Елтань Чистопольского района Республики Татарстан)

ж) эпитафии созданные в мастерских г. Болгара рельефным почерком куфи и врезанным почерком насх на арабском и татарском языках (Рис. 5);

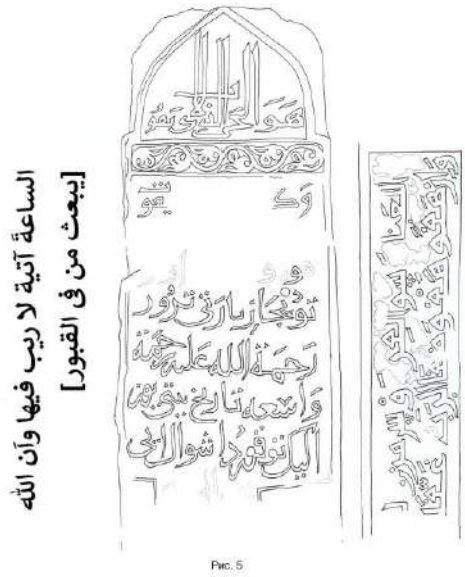

Рис. 5

Рис. 5: Эпиграфический памятник Туйджи, сына Кутлуга, 1358 г. (с. Татарский Калмаюр Чердаклинского района Ульяновской области)

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з) эпитафии созданные в мастерских г. Болгара врезанным почерком насх на арабском и татарском языках (Рис. 9);

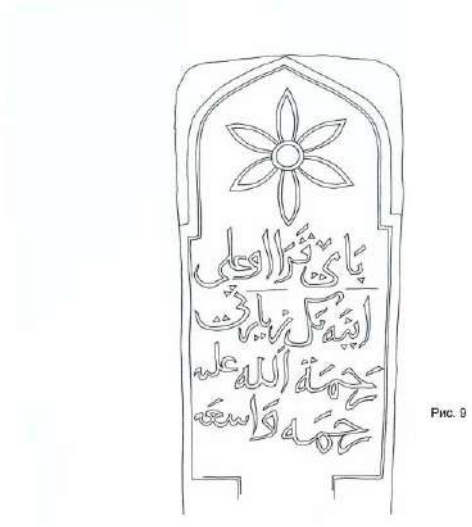

Рис. 9: Эпиграфический памятник Инабека, сына Байкары. (с. Татарский Калмаюр Чердаклинского района Ульяновской области)

2 тип – эпитафии созданные в кирмен-джукетауском округе.

Этой группы «провинциальные» кабрташи отличаются меньшим количеством, ниже уровнем исполнения, лаконичностью, а также, по особенностям типажа, размеров, пропорций и стиля;

а) эпитафии изготовленные рельефным простым почерком куфи на арабском, булгарском и старотатарском языках в мастерских Биляра, Джукетау (тат.:*Җүкәтау*) и Кирмени и примыкающим к этим городам населенных пунктов; эти памятники приземистые, с пологими арками и отличаются большей шириной [Д.Г. Мөхәммәтшин, Р.Г. Насыйров 2023: 282 б.] (Рис. 10);



Рис. 10: Эпиграфический памятник Мухаммада, сына Йусуфа, 1333 г. (с. Ст. Ромашкино Чистопольского района Республики Татарстан)

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б) эпитафии созданные врезанными почерками куфи и насх на арабском, булгарском и старотатарском языках в мастерских Биляра, Джукетау и Кирмени и примыкающим к этим городам населенных пунктов;

3 тип – эпитафии созданные почерком врезанный насх в провинциальных округах.

а) эпитафии созданные почерком насх на арабском и татарском языках на современной территории Татарстана, Башкортостана, Удмуртии, Кировской и Ульяновской областях разными местными резчиками письма по камню, в хронологическом отрезке – с конца XIII до середины XV вв; следует заметить, как обычно, каждый «провинциальный» катиб о бладал только ему присущим индивидуальным исполнением композиции упрощенного типа отличающийся от других, т.е. локальными вариантами некаллиграфического письма (Рис. 11);



Рис. 11: Эпиграфический памятник Йусуфу, сыну Шеиха, 1443 г. (с. Большие Нырси Тюлячинского района Республики Татарстан)

б) эпитафии созданные почерком насх на арабском и булгарском языках в течение 100 лет до середины XV вв. на более отдаленных территориях от основных городов разными местными резчиками письма по камню и несоответствующие высокому каллиграфическому искусству (Рис. 12);



Рис. 12

Рис. 12: Эпиграфический памятник, 1323 г. (п. Гордино, Белезинский район Удмуртской Республики)

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Предположения некоторых ученых-филологов в виде утверждения: «Язык же волжско-булгарских памятников лишь в Среднем Поволжье стал функционировать в качестве особого языка надмогильных плит» [Хакимзянов 1978: 206] считаем неприемлемым, так как, булгарские слова текстов эпитафий «р-языка» являлись широко употребляемыми на данной территории в тот период, если, было бы не так, то они вообще не использовались бы в эпиграфике. То есть, в золотоордынский период булгарский «р-язык» с разными диалектическими особенностями не был мертвым или архаичным «протоболгарским» языком [Ахметзянов, 1998: 99-119], а, продолжал существовать параллельно с «кыпчакско-огузским» (старо-татарским) литературным языком. На этом родственном «р-язык»е (т.е. на городском койне), очевидно, создавались небольшие литературные и художественные произведения, составлялись документы, переписывались сотни и тысячи книг в рамках Булгарского вилаята, несмотря на скромные и не совсем до конца сложившиеся местные письменные традиции [Мухаметшин 1987: 128]. И об этом говорят и доказывают факты существования многочисленных исторических документов «каменных архивов» в виде эпитафий до второй половины XIV века.[2] Более 70% этого письменного наследия выполнялись на этом языке, а зафиксированный последний кабрташ на «протоболгарском» с указанием даты относится к 1360 году. Если бы, у булгарских катибов живших в XIII-XIV вв. отсутствовала практика переписывания книг с особенностями орфографии на местном языке, то и не было бы и булгарских эпитафий – это аксиома! *Логически рассуждая об этом, по фактическим материалам: как раз в золотоордынский период в Среднем Поволжье получает дальнейшее бурное развитие булгарская эпиграфика на разных (булгарском, старотатарском и арабском) языках.* Но, однако, следует подчеркнуть то, что в пределах Среднего Поволжья для локального булгарского языка в «изолированном» от мировых языков не было тех условий и возможностей для развития и создания крупных литературных поэтических произведений, например, коим является «Кыйссаи-Юсуф» Кул Гали. Необходимо отметить интересные заключения некоторых современных среднеазиатских, крымских и азербайджанских специалистов (Бабура Аминова, Мемедуллы Усеинова, Мешадиханум Неймат): из созданных эпитафий во времена существования Джучиева Улуса текстов написанных на общетюркском языке на современной территории Узбекистана, Крыма и Азербайджана составляет от общего количества от 1 до 5%. Данных по Юго-Западной Азии у нас нет достоверных сведений, а по Среднему Поволжью использование булгарских и «чагатайских», помимо текстов на чисто арабском языке, эта цифра составляет значительное количество – до 85 %. Но, эти сведения никоим образом не уменьшают и не отрицают роли огромного и основного кыпчакско-огузского влияния этих регионов на возникновение и становление булгаро-татарской эпиграфики. Как видим, в истории могут быть и такие несоответствия.

По нашему мнению, именно, практикующие местные переписчики книг (катибы, хаттаты), архитекторы, ювелиры, а также, многие владеющие грамотой мастера различных ремесел занимались этим видом искусства и отражали в своих работах живой разговорный и литературный булгарский язык. Как раз, написанные пером формы и линии арабских букв на бумаге, автоматически, почти без изменений, переходили на поверхность камня с помощью резца. В этом деле мягкий местный известняк являлся одним из самых приемлемых материалов для передачи красоты каллиграфического декора. Здесь, необходимо отметить еще одну интересную мысль: очевидно, из тех текстов эпитафий «р-языка»[3] что создавались в булгарских городских центрах выполнялись на «наддиалектном койне», а в населенных пунктах, отдаленных от культурных столиц, тексты эпитафий производились на разных диалектах местного тюрко-булгарского языка отражавшие живой разговорный язык. Конечно же, при приспособлении арабского алфавита к нуждам булгарского языка учитывались общетюркские (в том числе, древнеуйгурские), персидские и арабские многовековые традиции письменной культуры.

По утверждению М. Ахметзянова, анализ так называемых "булгарских" текстов показывает ход интенсивного исчезновения булгарского языка, начиная с конца XIII в. [Ахметзянов 1998: 99-119]. Из вышесказанных слов М. Ахметзянова, необходимо сделать некоторые поправки и уточнения: по нашему мнению, сохранившиеся эпитафии показывают *ход интенсивного исчезновения булгарского языка, начинается не с конца XIII в., а (ориентировочно) с середины XIV в. Т.е., Булгарский народ со своим провинциальным тюрко-булгарским языком в составе Золотой Орды, (а потом, Казанского ханства) плавно переходил в кыпчакско-огузский (старотатарский) язык; другими словами – они в течение 300 сот лет, по существу, полностью подверглись ассимиляции, т.е. произошел процесс татаризации*[4] [Усманов 2023: 352], избегая потомков современных чуваш.

[2] В историографии впервые булгаро-татарские эпиграфические памятники были классифицированы Н.Ф. Калининым на две группы (стиля) по языковому принципу: 1) кипчакско-огузский (общетюркского типа), 2) булгарский (р-язык).

[3] "*Во́лжско*-булга́рский *р-язы́к* (*в* лингвистике используется также термин среднебулгарский *язык*) был распространён *в Волжской Булгарии* и в Булгарском улусе Золотой Орды. Одним из его прямых продолжателей является чувашский *язык*. Известен по написанным арабской графикой эпитафиям XIII—XIV вв". https://ru.wikipedia.org/wiki/Булгарский_язык#:~:text=Во́лжско-булга́рский%20р-язы́к%20(в%20лингвистике%20используется,языках%20народов%20Поволжья%20и%20Предуралья

[4] Однако, и в середине XVI века некоторые отатарившиеся деятели культуры Казанского ханства (в частности, поэт Мухамедьяр) писали свои художественные произведения на тюрко-татарском языке, но в то же время, не признавали себя татарами и продолжали негативно относиться к названию этнонима «татар».

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Исчезновение изготовления эпиграфических памятников на булгарском языке в XV в. нельзя наивно объяснять вымиранием специалистов-оформителей каменных плит [Хакимзянов, 1978: 206].

Здесь необходимо добавить и о некоторых сомнительных версиях объяснения присутствия элементов языка «чувашского» типа на языке эпитафий (2-го стиля). « Такое влияние стало возможным, по видимому, только из-за того, что мастерами-изготовителями надгробных камней служили чуваши (суасламари), которые, будучи мусульманами, затем ассимилировались среди обычно тюркоязычных булгар» [Закиев 2003: 496]. А также, надобно подчеркнуть еще одну мысль, связанная с фактом присутствия «чувашизмов»[5] в булгаро-татарской эпиграфике: современный этнос – чуваши, конечно же, к этим мусульманским артефактам имеют определенное отношение, так как оба этих родственных этноса имеют общие тюрко-булгарские корни, этот факт никто не может отрицать. Но, однако, если бы современные чуваши являлись прямыми и единственными потомками волжских булгар, то они назывались бы булгарами и исповедовали бы ислам [Усманов 2023: 352]. В любом случае, сохранившиеся мусульманские эпиграфические памятники на арабской графике являются общим культурным достоянием тюркоязычных народов Поволжья, в том числе и чуваш.

Сторонники «протоболгар»ского языка в противовес вышесказанной мысли ставят вопрос: «Если существовал булгарский язык в период Золотой Орды, где же оставшиеся от этого народа литературные произведения, рукописные книги и другие нарративные источники? А ведь, кроме определенного набора слов, в артефактах нигде не отражается живой разговорный язык или литературный, хотя бы, в виде, нескольких предложений» – говорят они. В тот период, из-за неперспективности конкурировать с мировым общетюркским языком, действительно булгарский язык сдал свои позиции и окончательно сошел с исторической арены. В научных трудах из-за отсутствия более-менее полных лапидарных текстов на тюрко-булгарском языке, кроме эпитафийной составляющей, многие вопросы в этой области остаются не решенными.

Для дальнейшего исследования материалов в этом направлении, к лексическому фонду «р» языка можно было бы добавить тюрко-булгарские слова – собственные (языческие) имена и прозвища погребенных, зафиксированных на эпиграфических памятниках, например: بوپس *Бүдәс*, بلدس *Бәлдәс*, جمارا و *Җәмәрәү*, مَجَک *Мәҗәкә*, اڕجَو *Эрҗәү*, يَلَو *Әйү*, يَحَم *Йәхәм*, رقاج *Рәкыяҗ*, اعمَش *Әгъмәш*, پلُح *Исүх*, يلنوک *Үҗих*, اترَج *Әтрәч*, اوْرَان *Әүрән*, وُڕُم *Вөрүм*, اوجيح موحشو بصَان *Мухшу Басан*, المُشاک *Әлмүшәк*, حوم باڕجنک *Хум Бәрҗәнәк*, القيسَ *Әлкыйс*, جُولَ *Җүлү*, کمک *Кәмкү*, يُوَل *Йүвәлү*, بلحس *Бәлхәс*, مُوَحْپس *Мухшу*, رَمَک *Рәмәк*, يَلبَه *Йәлбәh*, پسوياڕلِ اَصبَب *Аснаба Суярли*, تطای *Тотай*, и т.д. Вполне вероятно, что многие из них, как и тюрко-татарские имена, имеют определенные смысловые значения как, например: *Тәңребирде, Тимербәк, Үзбәк, Сатылмыш, Биктимер, Үлмәс, Алтынбай, Көмешбикә, Айбикә, и т.д.* Таким образом, есть возможность дальнейшего воссоздания хотя бы некоторых слов тюрко-булгарского языка.

Хаттаты-резчики «р-языка» были достаточно знакомы и с аббасидскими орфографическими традициями. Но, однако, остаются вопросы тюркологам для конкретного объяснения, связанные с использованием некоторых буквенных символов с применением точек под буквами локального характера (например: ڕ ڊ صٖ طٖ پس عٖ ي و (или одна точка над буквой و)).

Следует подчеркнуть: а, в дошедших до наших времен в текстах - эпитафиях на старо-татарском языке такие особенности, почему то, полностью отсутствуют или встречаются реже. Видимо, это было связано с особенностями орфографии персидского, древнетюркского (в частности, булгарского) языков. На этот вопрос до сих пор нет ясного ответа от тюркологов. Стоит заметить, применение точек под некоторыми арабскими буквами, мы встречаем на некоторых образцах эпитафий (кайраков) эпохи караханидов.

При изучении эпиграфических памятников Поволжья времен Золотой Орды, как было сказано выше, исследователями-предшественниками производилась классификация эпитафий и по внешним признакам: учитывая стиль, далее язык, оформление, орнаментика и другие особенности памятника [Мухаметшин, 2008: 132].

Пример разбора некоторых (типологически и по языковому принципу близких) «высокого стиля» эпиграфических памятников написанных каллиграфическим почерком сульс на арабском и на условном старотатарском («чагатайском») языках на образцах эпитафий г. Болгара – принадлежащих [Сафар[7]]-Малике и Хусейн-беку (находящийся на кладбище близ железнодорожной станции Чишмы в Башкортостане). Очевидно, оба этих памятника изготовлены одним и тем же мастером-резчиком из г. Болгара. Вполне вероятно, что обе стелы имели одинаковые формы. По внешнему и стилистическому оформлению обе надписи однотипны, вводные и благожелательные тексты однообразны. В обеих памятниках в навершии располагалось изображение выямчатой килевидной арки с плечиками (эта часть памятника называется тимпаном или по С. Вахиди – именуется «*михрабом*»), где расположены одинаковые коранические формулы [Гариф 2012: 308].

Вероятно, текст изначально был написан катибом с помощью тростникового пера скорописным

[5] *Хакимзянов Ф.С.* Язык эпитафий Волжских булгар. М.1978 - С.16.

[6] *Мухаметшин Д.Г.* Татарские эпиграфические памятники. Региональные особенности и этнокультурные варианты. Казань: Институт истории АН РТ, 2008. С. 15.

[7] Предполагаемый вариант прочтения: Шамар-Маликэ.

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Текст написан уверенной рукой резчика и хаттата (каллиграфа) в одном лице, который обладал хорошими знаниями, навыками и чувством художественного вкуса. Как правило, такие мастера имели опыт работы в различных сферах творчества: в ювелирном деле, в книжном искусстве, в каллиграфии, в деревообработке и т.п. Строки отделены между собой пустой полосой, что создает определенный порядок.

Современному зрителю (включая специалистов в области текстологии) трудно быстро прочитать или расшифровать этот каллиграфический текст XIV века, так как, витиеватые слова и буквы переплетенные друг с другом воспринимаются нами как криптограмма. Не обладающим достаточным опытом выполнения транслитерации современным специалистам-кодикологам такого рода эпитафии расцениваются как трудно читаемыми. Так как, многие буквы написаны с «нарушением» правил арабской орфографии с индивидуальными приемами письма резчиков-катибов. Поэтому, некоторые слова прочитаны предшественниками или современниками с ошибками. Например: الاوركانجى *ал-Үргәнчи* (Рис. 14)



Рис. 14: Фрагмент эпиграфической надписи

преподносился как *ал-Африкенджи*[8]. Если проделать палеографический анализ: в данном случае первая буква *алиф* изображается («неправильно») в виде отростка соединенная в навершии с буквой *лям*. Далее, *вау* без отрыва пера (каляма), как в скорописи, соединяется с *ра*, что противоречит элементарным правилам орфографии. Естественно, в прошлые века, прекрасно осведомленные в арабской графике ученые мужи, без никаких проблем, могли правильно прочитать эти слова. При транслитерации имени погребенной тоже могут быть разночтения: الشَريفة سَفار ملک *әш-шәрифәт Сәфар-Мәликә* или по Д. Мухаметшину: الشَريفة شَمر ملک *әш-шәрифәт Шамар-Малика.*

То есть, по ходу чтения ошибки могут быть, от этого никто не застрахован. Взаимные исправления – это нормальный процесс работы. Заметьте, устранять недочеты или неточности первопроходцев или предшественников на много проще.

На лицевых частях обеих эпитафий тексты написаны на арабском, а на боковых – часто используемые двустишия на «тюрко-чагатайском» языке (рис. 2):

[8]*Мухаметшин Д.Г., Хакимзянов Ф.С.* Эпиграфические памятники города Булгара. Казань. 1987 - С.119.

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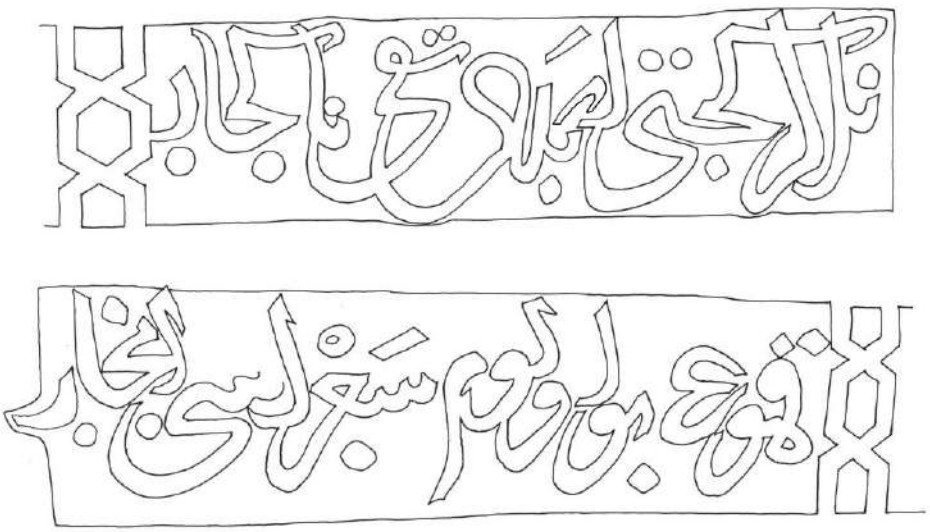

Эпиграфический памятник Шамар Малике. Надписи на левой стороне .

Рис. 13 (а)

Рис. 13: (а) Эпиграфический памятник (надписи на боковых сторонах)

نلار كچتى ابَلاى تقى نا كچار
قموع بو اولوم سَغر ايچار

Транслитерация:

[Ниләр кичте әбәләй тәкый нә кичәр, камуг үлем сәгърасы ичәр]

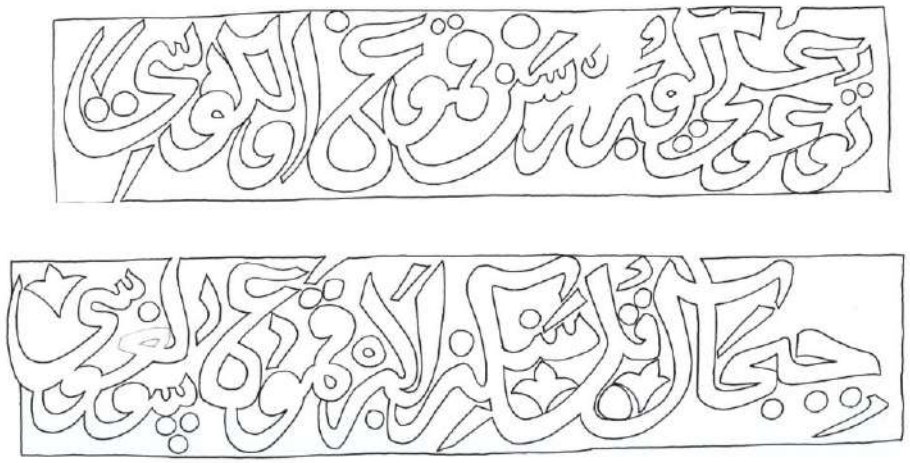

Рис. 13 (б)

Рис. 13 (б): Эпиграфический памятник (надписи на боковых сторонах)

[ثُعوعلي كورْرْ سَنْ قموعْ اولكوسي]
[چيجَک قُلسَنكِز لَارْ قَمُو پسُولغوسى]

Транслитерация:

[Тугуглы күрерсән камуг өлгүсе, чичәк кылсаңызлар камуг сулгусы]

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Выше приведенные слова пока остаются не прочитанным до конца. Видимо, эти сихотворные строки являются одним из свободных переводов какого-то, часто встечающегося в кабрташах, произведения неизвестного нам классика арабской литературы, который, со временем превратился в образцовый шаблонный вид. Кроме этого, как правило, могут быть и варианты этого двустишия перевода с персидского языка или мистический текст принадлежащий перу знаменитого суфийского поэта Ахмеда Ясави [Гарустович 2020: 400]. Таких нерешенных значимых задач в булгаро-татарской эпиграфике предостаточно, например, один из них – неопределенность точного имени погребенного на территории Казанского городища в Казани [Халит 2009: 392] (Архиерейской дачи) или другое слово خُوم («*хум*») которому до сих пор не имеется конкретного объяснения языковедами [Усманов 2023: 500].

Булгаро-татарские эпиграфические памятники, изготавливались из местного известняка. Одним из главных факторов появления традиции установления надмогильных стел является наличие легко обрабатываемого камня на территории Среднего Поволжья (как правило, они создавались из местного известняка или песчаника).

Итак, благодаря исследованиям предшественников были установлены временные рамки распространения булгарских эпитафий в Среднем Поволжье; с середины XIII по XV вв. с очевидным преобладанием кабрташей в 1320-1340 гг.

Изучение мусульманских татарских эпиграфических памятников в России имеет трехсотлетнюю историю. Эта важная работа связана с именами многих (более 40) представителей культуры и науки: (религиозных деятелей, историков, лингвистов, востоковедов, искусствоведов, краеведов) начиная с ахуна Кадыр-Мухаммеда Сунчалеева до молодого эпиграфиста А.М. Гайнетдинова [Малов, 1948: 41–48]. Среди них необходимо особо отметить огромную работу выдающихся ученых И. Н. Бороздина, А. С. Башкирова, Б. Н. Засыпкина, У. А. Боданинского, О.-Н. А. Акчокраклы, П.И. Голландского, Н. П. Эрста, Н. Ф. Калинина, Г. В. Юсупова, Д. Мухаметшина, Ф. Хакимзянова и, конечно же, Х. Фаизханова, который подобрал ключ для расшифровки булгарских эпитафий [Усманов 2023: 352].

Разумеется, в результате многолетних исследований по этой теме, о булгаро-татарских эпитафиях написано очень много книг и сотни статей. И пользуясь случаем, хочется сказать слова огромной благодарности всем нашим эпиграфистам-предшественникам. К сожалению, из тех особо ценных собранных полевых материалов – основная часть, находятся до сих пор в архивах в неопубликованном виде и ждут своих исследователей (правда, следует отметить, не все экспедиционные материалы выполнены на должном уровне, т.е. не доведены до желаемого логического конца и, поэтому, многие из них не дают полную информацию о лапидарном наследии (об этом подробнее будет сказано ниже). Время летит неумолимо быстро и эту работу необходимо делать оперативно, качественно – соответствующим по всем специфическим критериям научной практики. В этом деле прикладная часть должна стоять во главе угла. Без точного закрепления носителя информации (качественной фотографии) не может быть и никакого дальнейшего аналитического анализа эпиграфических памятников.

Здесь хочется сделать акцент об уровне качества выполняемых работ. Это напрямую касается нас, а также, и предшественников: в этом деле необходим «взаимоконтроль» и критический подход для своевременного исправления своих же недочетов и недостатков, для совершенствования общего дела.

До сегодняшнего времени, взятых на учет кабрташей (включая фрагментарные эпитафийные обломки) насчитывается более 4 0 0а , по словам Ф. Хакимзянова – около 600). Следует заметить, в этот список не входят золотоордынские эпиграфические памятники Хорезма, Нижнего Поволжья, Крыма и других бывших «татарских территорий».

По логике, на территории Улуса Джучи самое большое количество кабрташей, несомненно, было создано в Ургенче, или в столичном городе Сарай-Берке, чаще всего из привозных материалов: мрамора, известняка, песчаника и керамики. К сожалению, многое из того наследия не дошло до наших времен, т.к. оно было использовано как строительный материал [Закиев 2003: 496]. По причине исчезновения большей части этих объектов, некоторыми специалистами (например, археологами) отрицался сам факт существования тюрко-татарской эпиграфики за пределами Волжской Булгарии.

Вопрос: Откуда же и когда начинается традиция установления надмогильных эпитафийных надписей? Как известно, обычаи установления памятных знаков на могилах предков существует у всех древних народов с языческих времен, в том числе, и у тюрков с руническими надписями стелы (*тораташ*) или каменные изваяния (*балбал, сынташ*), олицетворяющие культ предков.

Например, всемирно известный надмогильный мемориальный комплекс VIII в. кагана Бильге и его брата Кюль-Тегина выявленный русским ученым Н. М. Ядринцевым в 1889 г. Надписи дешифрованы в 1893 г. датским лингвистом В. Томсеном, впервые прочитаны в 1894 г. В. В. Радловым. (https://tatarica.org/ru/razdely/istoriya/srednie-veka/kultura/kyul-tegina-stela).

До расширения влияния ислама в степных просторах Дешт-и-Кипчака получило распространение установка «каменных баб» (*сынташ*) на могилах предков, а после включения в ареал мусульманской цивилизации эти отголоски изображений скульптурных фигур приобретают скрытые антропоморфные очертания, в виде условного изображения (например, наподобие *башказык, ташбилге или башбата* [Красильников К. И., Апареева Е. К., 2021: 368].

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С принятием мусульманской религии у большинства тюркских народов начинают воздвигать надмогильные памятники уже с арабографическими текстами со строгим соблюдением исламских правил.[9] Очевидно, изначально эта традиция пришла в Поволжье из Аравийского полуострова через Аббасидский халифат, в первую очередь, через территорию Караханидского и Саманидского государств, далее через Ургенч. Кроме вышеуказанного, не исключаются и другие исходные направления маршрутов прямого культурного влияния на периферийные регионы, в частности, на Среднее Поволжье. Это воздействие очень сильно проявляется с приходом войск Батухана [Ахметзянов 1998: 99-119].

Видимо, Среднеазиатские (в частности, хорезмийские) мастера сыграли большую роль в возведении многих памятников (в том числе, эпитафийных) времен хана Узбека в городах Поволжья.

В рассматриваемый нами период истории, после 1240 г. после ожесточенной борьбы Волжская Булгария была подчинена Улусу Джучи, первой столицей которого (в XIII в.), политическим и торгово-ремесленным центром был город Булгар. Булгарские правители расширяли свое влияние главным образом в районах рек Вятка и Кама. Во 2-й половине XIII-XIV вв. основное население переселилось из Закамья в Предкамье. Внутри Волжской Булгарии выделились Казанское, Булгарское, Жукотинское и другие княжества. Как известно из истории, на территории Золотой Орды, включая Булгарский вилаят, существовало более сотни городов. Это государство представляло из себя симбиоз оседлых (городских) и кочевых культур, где мирно уживались различные религии, народы и племена. Наличие сохранившихся эпиграфических памятников подтверждают факт, о том, что этот регион, по существу, был самым северным высокоразвитым государственным образованием во всей мусульманской цивилизации.

В связи с развитием строительного дела: (кирпичного – среднеазиатского, каменного – крымско-закавказского и деревянного – местного) получает широкое распространение и изготовление и установка массивных надмогильных памятников, в первую очередь, среди высшего сословия и зажиточного населения [Мухаметшин 1987: 128]. Следует сказать, общее оформление булгаро-татарских эпиграфических памятников создавались в рамках общепринятых мусульманских установок связанных непосредственно с книжным искусством, с архитектурой, с ювелирным делом и т.д. То есть, булгаро-татарские эпиграфические памятники являются не только архивными документами, но и произведениями творчества, где синтезируются различные виды изобразительных искусств. По существу, внешний облик надмогильных стел напоминали рельефную декорировку фрагментов архитектуры Крыма, Закавказья или классические образцы убранства Среднеазиатских культовых сооружений, но исполненных в однотонном монохромном варианте из серого известняка.

Содержание текстов эпитафий говорят о том, что в изготовлении кабрташей участвовали не только местные мастера резчики по камню из Булгарского вилаята, но и приезжие каллиграфы-катибы из Средней Азии (Ургенча, Бухары, Самарканда, …), Нижнего Поволжья[10] (Сарай Бэркэ), Крыма (Солхата, …), Закавказья (Ширвана, …) и т.д. Следует особо отметить, и о влиянии ширванских классических традиций, что требует отдельного сравнительного анализа и изучения. Существует ряд эпиграфических документов, свидетельствующих о той важнейшей роли, какую играло мусульманское Закавказье в распространении ислама на территории Золотой Орды. «Золотоордынский хан Узбек, побывавший в ханака Пир Хусайна, возвратил имущество ханака, которое было разграблено во время нашествия Золотой Орды на Ширван» [Неймат 1991: 248]. Как известно, в город Болгаре, сохранились эпитафии мусульманских богословов Садр ад-Дина аш-Ширвани, Махмуда ибн Исмаила аш-Шемахии, шейх Имад ад-Дина аш-Ширвани» [Юсупов 1960: 92–93].

«Памятники эти, с их непонятными для широких масс народа арабизмами, - пишет известный эпиграфист Г. В. Юсупов, – были для них своего рода символами, обожествлявшими личность представителей правящей феодальной верхушки»» [Мухаметшин 1987: 128].

В отличие от представителей власти того периода, трудовое население было в состоянии ставить лишь деревянный кол (*башказык, башбата*) или простой дикий камень с родовой тамгой «*ташбилге*».

В то время в Золотоордынском государстве, в частности, в Булгарском вилаяте продолжало существовать два самостоятельных тюркских языка:международный смешанный кыпчакско-огузский (старо-татарский) и булгарский. В связи с подъемом экономики получает дальнейшее развитие письменно-деловые и литературные функции этих языков. Естественно, в пределах этого государства для распространения и развития наддиалектной формы языка общетюркского (кыпчакского), по понятным причинам, было больше возможностей, а булгарский продолжал существовать, параллельно, лишь в пределах Среднего Поволжья, т.е. оба тюркских языка существовали одновременно. В течение более 100 лет пребывания Булгарской территории в составе Джучиева Улуса и вызванные с ним этно-лингвистические изменения происходят в пользу регионального койне кыпчакского языка [Нуриева 2016: + 4 с. цв. вкл.].

[9] Некоторые балбалообразные надмогильные памятники (*сын ташы, кабер ташы, мазар ташы, гур ташы*) времен тенгрианства, уже в дальнейшем, приобретают скрытый антропоморфный внешний вид.

[10] Очевидно, эпиграфические памятники Нижнего Поволжья более всего напоминали Ургенчские или Хорезмские, наподобие булгарских (по определению Н. Ф. Калинина – эпитафии 1-го стиля). Эту версию могут доказать лишь чудом сохранившиеся археологические материалы в виде мелких фрагментарных остатков.

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В историографии (как отмечено было выше) впервые булгаро-татарские эпиграфические памятники были классифицированы Н. Ф. Калининым на две группы (стиля) по языковому принципу: 1) кипчакско-огузский (общетюркского типа), 2) булгарский (р-язык). В период существования Улуса Джучи на территории Среднего Поволжья (т.е. в Волжской Булгарии) функционировали несколько основных языков, назовем некоторые из них: арабский (язык науки), персидский (язык литературы), кыпчакско-огузский и местный булгарский язык с различными диалектическими особенностями. По сохранившимся из Средне-волжского эпиграфического наследия 70% памятников составляют язык булгар на городском койне, 15% старотатарский (поволжско-тюркский) и 15% арабский. В данное время, четких представлений о булгарском языке у языковедов не имеется, т.к. кроме, текстов эпиграфических памятников, других письменных артефактов не выявлены. И поэтому, иногда, появляются определенные сомнения о булгарском происхождении некоторых представителей литературы, в частности поэта Кул Гали. Вполне вероятно, он родился, учился и создавал свои художественные произведения на территории Средней Азии (например, в Хорезме), в окружении общетюркских мусульманских культурных традиций. Но, однако, не исключается вариант связанный со Средним Поволжьем и с ее письменной культурой. Так как, очевидно, еще до «монгольского нашествия» в Булгарском государстве наряду с арабским, персидским и булгарским широко употреблялся старо-татарский язык. Одним из доказательств этому являются сообщения Рычкова, о существовании памятника 1173 года из Биляра[10] (т.е., датированного еще с периодом «до татаро-монгольского ига»), а также, по сведениям Г. Ахмарова – факт наличия «в с. Ямбухтино Тетюшского района на пороге сельской церкви вырезанная «красивая надпись сульсом» на поверхности камня на татарском языке: [12]

٦٤٢ الدندا ٨٤ ياشندا عدد تاريخ التى يوز قرق ايكى ده

Есть очень большая вероятность в достоверности приведенных вышеуказанных слов, т.к. разборчивые надписи на старо-татарском языке не вызывает никаких затруднений или каких-либо сомнений. Если бы, они были выполнены на булгарском языке, то они не смогли бы разобраться в этих текстах. Кроме этого, до Х. Фаизханова духовные деятели из татар осведомленные о тюркских письменных традициях не могли читать смысл слов написанных на непонятном им (булгарском) языке. Из вышесказанных слов, становится очевидным то что, задолго до образования Золотой Орды в Среднем Поволжье существовала местная письменная традиция не только на старо-татарском, но вероятно и на булгарском языке. Видимо, до 1236 года в этом государстве центром по изготовлению надмогильных камней являлся столичный город Биляр, а также и другие города менее значимые – Болгар, Джукетау и т.п., включая Казань до Джучиевского периода и после. Так как, в последующие века Казань стремительно застраивался превращаясь в крупный промышленный центр, при этом теряя древние строения и памятники, в виде использования надмогильных плит как строительный материал и, поэтому, мало что осталось от них.

Вопрос: Конкретно где и кем создавались высокохудожественные эпиграфические памятники?

Имён мастеров резьбы по камню золотоордынского времени не сохранилось, за исключением булгарского ювелира Шахидуллы бин Муса и солхатского строителя-архитектора Махмуда бин Гусман, которые, очевидно, также занимались изготовлением надмогильных стел.[13]. В то время работала целая династия нам неизвестных каллиграфов. Среди резчиков были как приезжие хаттаты, например, (в первую очередь) из Средней Азии, Крыма, Ширвана и т.д., так и местные мастера, получившие образование в различных исламских центрах.

По нашему мнению, в ту эпоху в Золотоордынских городах были созданы свои самостоятельные школы камнерезного искусства со своими сложившимися традициями изготовления и декорировки эпиграфических стел [14], с определенными правилами и установками, без особых региональных отличий (если, конечно, не учитывать языковые различия или индивидуальные особенности авторов резчиков), которые всячески содействовали созданию исламской культуры единого облика. Кроме этого, в некоторых местах жили и работали провинциальные мастера (видимо, из числа катибов или грамотных ювелиров), которые выполняли менее скромные заказы из тех материалов, что было под рукой (например, кирменчукские, азнакаевские и т.д.).

В ходе анализа научных публикаций по кабрташам нами для себя сделаны некоторые выводы для дальнейших исследований. В наше время, необходимо вести работу по эпиграфике целенаправленно, системно, методично, комплексно, опираясь на образцовые труды наших ученых (например, некоторые статьи Х. Фейезханова [Фейезханов 1863: 396-404], доводя работу до

[11] Очевидно, этот памятник был написан на арабском и «старотатарском» языках, т.к. они точно прочитали дату, если бы текст был написан на булгарском языке, они не смогли бы определить время создания эпитафия, так как, на р-языке дата всегда указывалась не цифрами, а, непонятными словами для представителей литературного тюркского языка кыпчакско-огузского типа.

[12] *Юсупов Г.В.* Введение в булгаро-татарскую эпиграфику. М. – Л., 1960. – С.46.

[13] Хаттаты, по какой то причине, не посчитали нужным оставлять свои автографы, хотя, нам известны десятки имен Среднеазиатских или Закавказских мастеров-резчиков каллиграфов-художников.

[14] Кабрташи создавались на основе синтеза различных искусств. Но, однако, (по мнению автора) в первую очередь, они являются произведениями архитектуры малых форм, художественного творчества - резьбы по камню, каллиграфии, декоративного и ювелирного мастерства. И поэтому, изучением эпиграфических памятников, прежде всего, должны заниматься художники-искусствоведы.

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логического завершения, с тем, чтобы вслед за нами идущим эпиграфистам оставалось как можно меньше работы по качественной фотофиксации и полноценному документированию.

Вся работа по сбору и научной систематизации материалов по эпиграфике требует оперативности. Нам в этом деле медлить не коим образом нельзя[15]. Ведь, эти произведения искусства и каменные архивные документы, с каждым днем разрушаясь, исчезают безвозвратно. И по этой причине прикладная часть остается в приоритете.

Как некоторые ошибочно думают, что древние или старинные татарские кабрташи, якобы, уже все зафиксированы. Но, однако, это не так. До сих пор обнаруживаются «новые» неизвестные науке эпитафии, это во-первых. Во-вторых многие фотодокументы и эстампажи не имеют соответствующего качества.

Принимая во внимание особенности проблем графологического анализа кабрташей, следует сказать и то, что для полного и правильного прочтения «запутанных» текстов и плохо сохранившихся надписей, не поддающихся осмысленному чтению, необходимо задействовать не только людей с художественным образованием, но и специалистов в области текстологии, филологии, археографии, ведь такая работа требует коллективных усилий. По сути, без правильного чтения любого эпиграфического памятника нет возможности выполнения ясной и четкой прорисовки. Вопрос: А для чего нужна здесь прорисовка? Ответ: Всё здесь взаимосвязано, именно при выполнении прорисовки производится палеографический анализ, в результате чего, достигается точное или более приемлемое чтение (расшифровка) текста и таким образом осуществляется реконструкция плохо сохранившихся букв или изображений.

Хочется сказать в напутствие молодым, перед татарскими эпиграфистами стоят следующие первоочередные цели: в максимальном количестве успеть зафиксировать на должном научном уровне наиболее значимые сохранившиеся арабографические надмогильные памятники, пока они, не исчезли совсем. Время летит неумолимо, быстро – надо успеть привести это все в определенный порядок (эта вполне осуществимая задача).

Словом, автор этой статьи не в состоянии дать полную лингвистическую характеристику булгаро-татарским эпиграфическим памятникам ввиду малой компетентности в этой области. Цель всей нашей научной работы – это учет имеющихся памятников в виде фотодокументов с прорисовками, полная их публикация, палеографический анализ, чтение и перевод.

Необходимо отметить, в процессе изучения древних надмогильных камней мы допускаем повторяющиеся из поколения в поколение одни и те же ошибки: начинаем конкретную работу, и не завершаем исследование до логического конца. Надобно нам вести дело таким образом, чтобы после нас не оставалось кому-то доделывать – это, в идеале, но надо стремиться к этому. Наши главные недостатки в этом деле, относящейся к прикладной науке (перечислим их):

1) как известно, главным носителем информации об объекте является хорошо выполненная качественная фотосъемка со всех сторон, где имеется полноценная графическая информация о кабрташе с читабельным текстом; в эпиграфике игнорирование качественных фотографий, эстампов, оттисков недопустимо, так как, это все противоречит обязательным требованиям и элементарным методам научной работы; т.е. изобразительная составляющая является в этом деле превалирующей, а все остальное – дополняющей; (как известно – 80 % процентов информации человек получает через зрительные органы;
2) предлагать читателям текст чтения (транслитерацию, транскрипцию) без корпуса, т.е. без фотографий эпиграфических памятников, нас – исследователей совершенно не устраивает, так как, составление каталогов и реестров, без надлежащего качества графических изображений надмогильных стел, (мы сами не замечая этого) навязываем свои варианты прочтения эпитафий как непререкаемая истина и не оставляем возможность читателям проверять правильность содержаний предлагаемых лапидарных текстов; например, некоторые сомнительные варианты имен на эпитафиях, таких как: *Хаккау хафиз, Абыз Риким, Бу җуныл, Аккуҗад, Шусак, Башрана, ...* нас не удовлетворяют; и тому подобные случаи транскрипции не вызывают довер ия, так как, эти слова (в данном случае – имена) воспринимаются нами как «чужие», они должны звучать или по арабски, или на фарси, или по тюркски! Могут быть упрощенно-сокращенные варианты – *Җәләй (Җәләләддин), Мәмәткол (Мөхәммәдкол)* и т.д. Да, иногда могут встречаться искаженные (вместо, *Зөбәйдә – Сөбәйтә* سُبَيتَ) но, это в редких случаях.

Что же является главным при чтении эпитафий (при выполнении транскрипции с элементами транслитерации)?

Ответ: Правильное выполнение транскрипции с элементами транцлитерации текста: написание имен, тахаллусов, топонимов, социального статуса и т.д. Неточное и неправильное прочтение основной части эпитафия является главным нашим недостатком.

Кроме этого, в процессе коллективной работы часто приходится корректировать, дешифровывать запутанные и поврежденные слова или иногда есть необходимость выполнения частичной или полной графической реконструкции;

1. Знакомство с архивными материалами по эпиграфике, хранящихся в фондах С. Е. Малова,

[15] Эти рекомендации и замечания мы воспринимаем не иначе как нормальный рабочий процесс.

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Н. Ф. Калинина, Г. В. Юсупова, А. Б. Булатова и др.;

2. Есть потребность выведения в научный оборот весь «арсенал» богатога архивного изобразительного материала (фотографии, эстампажи, оттиски) наших предшественников; по неизвестным нам причинам, многие сохранившиеся в архивах эстампажи не представляют завершенный туширанный вид. Следует сказать, при снятии копий многие эстампажи выполненные предшествующими, по понятным причинам, в виду плохой сохранности древних эпиграфических памятников, не доведены до конкретики, т.е. нет ясного палеографического анализа.

Из вышесказанного мы для себя делаем вывод: в деле изучения эпиграфических памятников упомянутые требования нам следует впредь знать, не забывать и стараться по мере возможности не допускать повторения предыдущих недостатков.

3. Систематизация и анализ эпиграфического наследия путем составления каталогов по хронологическому, географическому, типологическому, палеографическому, языковому принципам [Мухаметшин 2008: 132].
4. Издание книг с качественной печатью и с обязательным наличием иллюстративного материала (фотографии, прорисовки, эстампажи, оттиски и т.д.). Здесь, следует особо отметить как образцовый сборник: монографию [МИРАС-НАСЛЕДИЕ. Татарстан-Крым. Город Болгар и изучение татарской культуры в Татарстане и Крыму в 1923-1929 годах : в 3 т. / Сост. и отв. ред. С. Г. Бочаров, А. Г. Ситдиков]. Свод иллюстративных материалов снабжены качественными фотоснимками, схемами, чертежами, рисунками участников научной экспедиции и переводами текстов О.Н.-А. Акчокраклы.
5. Составление каталогов в электронном варианте (размещение материалов, например, в различных сайтах), или 3D моделирование, которое позволяет видеть детали до долей миллиметра и тем самым дает возможность частичной или полной реконструкции эпитафия. Есть уверенность в том, что в будущем будут созданы копии особо значимых каллиграфических композиций (в частности, эпиграфические памятники I стиля – где надписи, исполнены рельефным шрифтом сульс). Следует добавить вышесказанному: Наука движется вперед семимильными шагами, появляются новые технологии и возможности для фиксации эпитафийных памятников, но, однако, не нужно списывать со счетов и старые традиционные способы документирования в виде эстампов, оттисков и прорисовок.

Нам предки оставили богатое культурное наследие. И, мы уверены в том, что в будущем книги по камнерезному искусства и каллиграфии, посвященные работам булгаро-татарских мастеров, будут востребованы среди специалистов и широкого круга читателей.

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Judging Femicides from a Gender Perspective. Special Reference to the Legal Regime of El Salvador

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Abstract- This article addresses the legal problem of femicide violence in the context of the legal regime of El Salvador (Centro América) mainly in the field of procedural law, in which women suffer due to the lack of a legal figure or a protocol for action in cases of femicide. Which establishes an analysis methodology that incorporates the gender perspective as an interpretive criterion. It is a socio-legal investigation, with an interdisciplinary approach that links the science of law with gender studies. It presents a socio-legal problem about the fundamental rights of women in the course and resolution of judicial processes. The author presents a position, based on theoretical studies, jurisprudence, and comparative law, on the need to develop criteria for judicial action with a gender perspective, aimed at the justice administration sector. To support positions in the work, the reality of El Salvador is analyzed, but experiences from other legal contexts such as Mexico, Cuba, Chile, Argentina, Guatemala, and Nicaragua are also taken up.

Keywords: justice of el salvador/gender perspective/ femicides / due process/ discrimination/ violence against women.

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Keywords: justice of el salvador/gender perspective/ femicides / due process/ discrimination/ violence against women.

Real and judicial justice do not walk hand in hand, while the Possible barriers need to be identified and eliminated to allow judging with a gender perspective, as a criterion judicial reference in those cases in which they commit asymmetric relationships or gender stereotypes. (Poyatos, M., 2022, p. 1)

I. Introduction

The issue of women's perspective in the law is recent, being an expression of the demands of women's rights in history and this has permeated justice. Likewise, the normative vision of gender has been moving from the supranational level to the internal legal system of El Salvador.

This academic contribution is part of the research for the author's doctoral thesis on the administration of justice with a gender perspective in crimes of violence against women. Special reference to the Law of El Salvador, at the American University in Nicaragua and the University of Salamanca in Spain.

The motivation to study this topic lies in highlighting the importance of understanding that applying justice with a gender perspective in cases of crimes of violence against women and femicide violence, constitutes a tool that contributes to progress towards effective equality, mainly in the evaluation of the evidence and that it is one of the main difficulties towards the fundamental right to effective judicial protection and to achieve the deconstruction of the stereotypes that discriminate against women due to their gender mainly in the field of Law.

This is a socio-legal investigation, with an interdisciplinary approach that links the science of law with gender studies, to contribute to scientific knowledge regarding innovations in criminal and procedural law.



Fig. 1: Women hold crosses at a protest against femicide and violence against women in front of the National Palace in Mexico City, Mexico. ©REUTERS/ Edgard Garrido

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Thus, this research addresses the legal problem of femicide violence in the context of the legal regime of El Salvador, mainly in the field of criminal and procedural law, suffered by women and their families, due to the lack of a legal figure or an action protocol. In cases of femicides, it establishes a methodology for analyzing the legal phenomenon that incorporates the gender perspective as an interpretative criterion.

The objective of this study is to contribute to the research and transfer of knowledge on gender equality from intersectionality, aiming to protect the fundamental rights of women with the application of justice from a gender perspective and from an intersectional approach, which forms one of the fundamental pillars of the rule of law in any democratic society.

The scientific contradiction detected is that, in the legal context of El Salvador, despite having a *corpus luris* protecting women's rights, legal practices permeated with discriminatory stereotypes towards women based on gender, whether institutionalized or persist by law or in practice.

Caused by the absence of an analysis methodology based on fundamental rights, equality, non-discrimination, life and personal integrity, and effective judicial protection, all recognized in political constitutions and international human rights instruments, which allows equitable justice to be applied.

Throughout this research, the hypothesis of searching from the application of the science of Law, the use of "*gender*" as a category of analysis, and "*the gender perspective*" as a legal methodology binding on the principle of equality and non-discrimination is supported. having the criminal process as the main constitutional guarantee, for addressing the sociocultural problems that women experience and the obstacles they face to the real exercise of their rights. Pretending that Law and justice serve as hope for Salvadoran women victims of gender violence.

This contribution deals with academic research in the field of legal science from an interdisciplinary approach linking gender studies with procedural law. It originates from the reflections raised in two articles by the doctoral student: "Access to family justice for women victims of gender violence. A look from Salvadoran law", published in the Scientific Journal of Social Studies (RCES) (Quintana Marxelly, 2022). "Access to family justice for women victims of gender violence. A view from Salvadoran law", published in the European and Ibero-American Journal of Thought and Analysis of Law, Political Science and Criminology of the University of *Salamanca AIS, Ars Iuris Salmaticensis* (Quintana Marxelly, 2023).

And "Application of law with a gender perspective towards equal justice. A challenge to eradicate violence against women in the legal regime of El Salvador", published in the European and Ibero-American Journal of Thought and Analysis of Law, Political Science and Criminology of the University of Salamanca *AIS, Ars Iuris Salmanticensis* (Quintana Marxelly, 2024). These investigations are produced within the framework of the author's doctoral training.

To support positions in this study, the Methodology of the science of law by Larenz K. (2001) is used to address the problem. The socio-legal research methods of Villabella A. (2020) and the Comparative Law method of Dr. Lucio Pegoraro (2016), as well as the observation method and the documentary research technique to analyze the reality in which the author works: El Salvador, but also takes up experiences from other legal contexts in Mexico, Cuba, Chile, Argentina, Colombia, Guatemala, and Nicaragua among others, on how to administer justice with a gender perspective. It is suggested that these experiences be taken up again, to guarantee the protection of the rights of Salvadoran women in the process of an equal administration of justice.

The aforementioned legal contexts have delved into a new jurisprudential trend on how to administer justice with a gender perspective, called by some "gender-sensitive methodologies" to standardize through action protocols the jurisprudential criteria for judging with a gender perspective. Proposed as a practical instrument to realize the gender perspective towards effective equality.

Certainly, although the country has laws, jurisprudence, and doctrine with significant advances in matters of gender equality, until now the victim is the one largely forgotten in the criminal process. And the problem of violence against women and femicides in El Salvador has not stopped.

Within this order of ideas, the report of the Inter-American Commission on Human Rights (2019) observes that multiple structural factors perpetuate discrimination against women: gender stereotypes and these increase their risk situation. Among these factors, the Commission has mentioned machismo and the prevalence of sexist stereotypes, as well as historical discrimination connected to the social fabric, coupled with social tolerance against violence against women, in all its dimensions, physical, psychological, sexual, economic, among others (OEA, CIDH, 2019, paragraph 94).

Evidenced by the aforementioned, the prevalence of gender stereotypes, and the influence of discriminatory sociocultural patterns present in the imagination of judicial operators, is one of the main obstacles that women victims of violence face in accessing justice. Which in most cases translates into inaction on the part of police, prosecutors, and judges when reporting these violent events.

The relevant review is what was pointed out by the Inter-American Commission on Human Rights (2021) in its report on the Situation of human rights in El Salvador, observing that:

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> The Commission received information on the prevalence of misogynistic, sexist, and discriminatory socio-cultural patterns that permeate Salvadoran society as a whole and impact the rights of women and lesbian, gay, bisexual, trans, and gender diverse and intersex (LGBTI) people to live free of violence and discrimination (OEA, CIDH, 2021, paragraph 176).

This analysis indicates that these socio-cultural and misogynistic patterns have resulted in the normalization and tolerance of violence against women and against LGBTI people, as well as in a facilitating context for its occurrence, and a situation of generalized impunity for these Crimes (OEA, CIDH, 2021, paragraph 177).

The Salvadoran legal context must apply minimum standards through a protocol of judicial action to guarantee women the right to a life free of violence and discrimination, contained in various international instruments, including their right to access to a simple and effective judicial remedy, and thus have the proper guarantees that protect them when they report acts of violence. To overcome stereotypes that cause discrimination and inequality between women, men, and LGBTI+ people.

Therefore, the question that this research attempts to answer is: ¿How to incorporate the gender perspective in sentences to guarantee the effective protection of women's fundamental rights in light of the constitutional and supranational standards of human rights towards Equal justice without discriminatory stereotypes?

To answer this question, the idea that this author defends with this study is to present lege ferenda proposals to strengthen legal frameworks by incorporating gender intersectionality in jurisdictional decisions to guarantee the fundamental rights of women, in the process of the materialization of the right to equality in jurisdictional decisions.

The result is that using the gender perspective as a method of analysis in the administration of justice in El Salvador from a focus on the right to effective judicial protection, according to numerous authors, allows us to visualize the asymmetric relationships, prejudices, and stereotypical patterns due to gender in specific cases, which are key elements, in the investigation, classification of the crime, evaluation of the evidence and the judicial ruling.

Gender is a useful category for the analysis of the legal phenomenon, as maintained by multiple authors, who have made significant contributions from gender theory, including Olympe de Gouges (1791), Simone de Beauvoir (1949), Marcela Lagarde (1996), Marta Lamas (1996), Alda Facio A. (1992), Abboud Castillo, N. (2016), Kemelmajer de Carlucci (2019), González Ferrer & Pérez G. (2021) and Del Pozo Pérez (2023), among others.

So far what has been said, it is evident in this study that, given the existing gender gaps in the current norms, jurisprudence, and doctrine of the Salvadoran legal context, it is necessary to have an action protocol that contains the theoretical-practical criteria and that contributes to the elimination of discrimination due to gender stereotypes and in a particular way, to serve as a guide of action for those who interpret and apply the law and thus guarantee the full realization of the principle of equality and non-discrimination with observance of other fundamental principles such as those of justice, independence and impartiality. What it is about is stopping this problem (Quintana Marxelly, 2024, p. 91).

As the Belém do Pará Convention points out, violence against women not only constitutes a violation of human rights but is also an offense to human dignity and a manifestation of the historically unequal power relations between women and men, which transcends all sectors of society regardless of their class, race or ethnic group, income level, culture, educational level, age or religion and negatively affects its foundations (UN, 1979, Preamble).

In response to what has been stated, it is demonstrated that the influence of these sexist stereotypes can also negatively affect the investigation of specific cases, mainly, the evaluation of the evidence and finally the development of sentences.

Meanwhile, this study shows that the use of gender stereotypes in legal arguments, in addition to violating the fundamental rights of individuals, violates the principle of judicial impartiality.

In conclusion, in this section the issue of equity and gender equality between women and men is an extremely complex issue rooted in structural inequalities that one gender has suffered and suffers from specifically: women.

What has been argued up to this point is that it is through the history of family relationships that they have been legally regulated from a patriarchal perspective, under the conception that women must assume traditional roles of caregivers, submissive, dependent, reproductive, and homemakers. These conditions related to gender relations have contributed to discrimination and violence against women.

II. Importance of Gender as a Category of Analysis of the Legal Phenomenon in Cases of Crimes of Violence Against Women

Gender is a useful category for the analysis of the legal phenomenon, of relatively new construction and is generally understood or ignored, since gender is a complex category since it has constitutive elements of social relations and significant power relations.

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Considering that it is essential for legal operators to start from a solid conceptual base that allows them to effectively develop better elements to comply with their constitutional and conventional obligations.

To achieve the previous goal, the development that has occurred around the concept of gender and gender perspective from International Human Rights Law, the doctrine from gender theory, and in domestic law is analyzed.

Thus, with the elements obtained in the development of this topic in the three indicated sources, it is intended to propose a concept that delimits the scope and content of gender in the field of law.

It should be noted that gender is a necessary category of analysis to consider in the application of generic and conventional norms of women's fundamental rights to guarantee effective judicial protection.

Therefore, one of the necessary definitions to administer justice in cases of crimes of violence against women and femicide violence is to define the concept of gender.

Taking into account that the word and gender studies are relatively recent in normative history.

Del Pozo Pérez (2023), in her studies, has raised the need to incorporate gender as a hermeneutical methodology of the legal phenomenon, to judge with a gender perspective in judicial decisions in cases of violence against women. Who has identified the training deficit of the people called to intervene in the investigation of these criminal acts. Stating that:

> If we use the gender perspective in the analysis of the case, both in taking the victim's statement and in the rest of the proceedings, we will contribute to the most effective protection of survivors of gender violence and to their obtaining effective judicial protection. of the system (Del Pozo Pérez, 2023, p. 16).

Thus, this study shows the need to avoid jurisdictional decisions permeated with discriminatory stereotypes, which cause asymmetries in the application of legal norms, hindering access to justice, to guarantee effective judicial protection of women's rights in equality with men.

Indeed, failure to act with due diligence in cases of crimes of violence against women constitutes a form of discrimination, a denial of their right to equal protection of the law, and a breach of the State's duty to guarantee access to Justice.

III. Importance of the Gender Perspective as a Binding Methodology for Equal Justice

Using the gender perspective as a methodology for analyzing the legal phenomenon binding on inclusive justice results in access to justice for those who, due to their biological, physical, sexual, gender, or contextual conditions, see their fundamental rights violated. Equally important is to avoid the use by those who judge misogynistic and indecorous language in jurisdictional decisions.

Since it shows stereotypes, and discriminatory prejudices towards women based on their gender, as well as practices that re-victimize women victims of gender violence.

The result is that the use of inclusive language is not only a way to dismantle inequalities and power asymmetries but also an obligation for those who administer justice in Mexico, particularly when judging with a gender perspective. (Supreme Court of Justice of the Nation of Mexico, 2022, p.236)

Since language is one of the key factors that determine cultural and social attitudes, using gender-inclusive language is an extremely important way to promote gender equality and combat gender bias. (United Nations, 2019).

The application of justice with a gender perspective is a translation and application method that uses gender theory to correctly apply the principle of equality between the parties; as well as the constitutional and supranational legal standards of reinforced protection for populations in situations of discrimination to be applied and interpreted in all procedural and substantive norms.

Which is why numerous authors, with whom the undersigned agree, have established that gender is a useful category for historical analysis. Being gender is a cultural construction and not a trait that derives naturally from the sex with which one is born (Lamas, 2013, p. 111). Hence it is stated that gender is established as the primary form of significant power relations (Scott, W. 2013).

Thus, the gender perspective manages to vindicate the rights of victims and prevents their re-victimization, guaranteeing the legal protection of women's rights on a basis of equality with men, before the competent national courts.

This is what Figueruelo Burrieza, A. (2012) maintains, a postulate that I share, stating that the gender perspective is the key to applying it in the administration of justice, arguing that understanding the Law with a gender perspective requires understanding that only equality will be achieved. when legal norms are developed taking into account the sum of the genders (material equality) and not when the same rights for women and men are recognized in the regulatory framework (formal equality).

Only in this way will we achieve a new concept of women and men, with their functions in society and the family, as well as in their reciprocal relationships, indicating that:

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> The gender perspective and transversality must be understood as a means to promote women's rights and as an instrument to clearly and precisely mobilize all political actions towards the achievement of real and effective equality (Figueruelo B., 2012, pp. 59- 76).

Based on the above, what is intended with the use of the gender-sensitive methodology is to provide judges with tools to confront the effects on the protected legal rights of women, such as human dignity, life, integrity, and protection of the rights of women in vulnerable situations.

Thus, the legal protection of women's rights on a basis of equality before national courts are enshrined in CEDAW, in article 2 literal c, where the State's commitment is defined in these terms:

> The legal protection of the rights of women on a basis of equality with those of men and guarantee, through the competent national courts and other public institutions, the effective protection of women against all acts of discrimination. (CEDAW, 1981, art. 2, literal c)

In these situations, the State must, as established by CEDAW, stop doing or preventing anything that has the purpose or result of impairing or nullifying the exercise for women, of the human right to access to justice.

There is a supranational commitment of the state of El Salvador to recognize that violence against women is a violation of human rights and is a form of discrimination. This means that States are held responsible if they do not respond appropriately to this type of violence.

Violence against women is a socio-cultural problem that violates human rights and endangers the development of society. It constitutes the most complete expression of the degradation and attack on human dignity, an inherent and inalienable human right of the human person.

The fact that different manifestations of violence against women and femicides continue to be recorded every day shows that they are a consequence of a crisis of values that affects the family, a crisis that normally has its causes in what the woman suffers, the fruit of unequal justice based on gender.

This is evident in this study, the relevance of keeping the gender perspective in mind in the legal field, since it is an important route to be able to conceive and implement Human Rights in their real dimension. It turns out that only through law and justice used as instruments of social change can women will be able to achieve equity and gender equality.

IV. Conclusion

Gender is a useful category for the analysis of the legal phenomenon, of relatively new construction and is generally understood or ignored, since gender is a complex category, since it has constitutive elements of social relations and significant power relations.

Meanwhile, the integration of the gender perspective, intersectionality, and inclusive and non-sexist language in jurisdictional activity in the administration of Salvadoran justice in cases of crimes of violence against women is a normalized and binding obligation for all bodies. judicial, and that it is a matter that is difficult to apply, due to:

First, because of its new concepts. Second, due to the need to apply a contextualized and pro-person approach from a human rights perspective. Third, because it conflicts with traditional legal dogmatics and the need for the judicial power to break paradigms, in this regard I am referring to the legal culture immersed in a patriarchal system. Fourth, due to the difficulty in identifying the discriminatory stereotypes present in norms, jurisprudence, and doctrine.

Fifth, due to the lack of training in the administration of justice in gender matters, which extends to all levels that operate justice: prosecutor's office, police, forensic experts, litigants, etc.

In short, gender is a social construction that is generated, maintained, and reproduced fundamentally in the symbolic spheres of language and culture. Therefore, gender is a way of understanding those historically discriminated against, women, not as an isolated element of society, but as an integral part, both of the family and of society as a whole.

In summary, when talking about administering justice from a gender perspective, reference is made to a necessary interpretation tool to focus on the concepts of discrimination and violence against women, showing us that they are a structural and systematic phenomenon and not something anecdotal among socially isolated subjects.

Facilitating the people who administer justice, to apply the Law through the lenses of gender, to allow them to review the norms, sentences, in short, the Law in general, and make gender stereotypes visible in the work of investigation, prosecution, and sanction in the process's judicial cases of violence against women. The differences between women and men occur not only due to their biological determination but also due to the cultural differences assigned to human beings.

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h) All data must have been gathered with attention to numerical detail in the planning stage.

Design has been recognized to be essential to experiments for a considerable time, and the editor has decided that any paper that appears not to have adequate numerical treatments of the data will be returned unrefereed.

i) Discussion should cover implications and consequences and not just recapitulate the results; conclusions should also be summarized.
j) There should be brief acknowledgments.
k) There ought to be references in the conventional format. Global Journals recommends APA format.

Authors should carefully consider the preparation of papers to ensure that they communicate effectively. Papers are much more likely to be accepted if they are carefully designed and laid out, contain few or no errors, are summarizing, and follow instructions. They will also be published with much fewer delays than those that require much technical and editorial correction.

The Editorial Board reserves the right to make literary corrections and suggestions to improve brevity.

Format Structure

It is necessary that authors take care in submitting a manuscript that is written in simple language and adheres to published guidelines.

All manuscripts submitted to Global Journals should include:

Title

The title page must carry an informative title that reflects the content, a running title (less than 45 characters together with spaces), names of the authors and co-authors, and the place(s) where the work was carried out.

Author details

The full postal address of any related author(s) must be specified.

Abstract

The abstract is the foundation of the research paper. It should be clear and concise and must contain the objective of the paper and inferences drawn. It is advised to not include big mathematical equations or complicated jargon.

Many researchers searching for information online will use search engines such as Google, Yahoo or others. By optimizing your paper for search engines, you will amplify the chance of someone finding it. In turn, this will make it more likely to be viewed and cited in further works. Global Journals has compiled these guidelines to facilitate you to maximize the web-friendliness of the most public part of your paper.

Keywords

A major lynchpin of research work for the writing of research papers is the keyword search, which one will employ to find both library and internet resources. Up to eleven keywords or very brief phrases have to be given to help data retrieval, mining, and indexing.

One must be persistent and creative in using keywords. An effective keyword search requires a strategy: planning of a list of possible keywords and phrases to try.

Choice of the main keywords is the first tool of writing a research paper. Research paper writing is an art. Keyword search should be as strategic as possible.

One should start brainstorming lists of potential keywords before even beginning searching. Think about the most important concepts related to research work. Ask, “What words would a source have to include to be truly valuable in a research paper?” Then consider synonyms for the important words.

It may take the discovery of only one important paper to steer in the right keyword direction because, in most databases, the keywords under which a research paper is abstracted are listed with the paper.

Numerical Methods

Numerical methods used should be transparent and, where appropriate, supported by references.

Abbreviations

Authors must list all the abbreviations used in the paper at the end of the paper or in a separate table before using them.

Formulas and equations

Authors are advised to submit any mathematical equation using either MathJax, KaTeX, or LaTeX, or in a very high-quality image.

Tables, Figures, and Figure Legends

Tables: Tables should be cautiously designed, uncrowned, and include only essential data. Each must have an Arabic number, e.g., Table 4, a self-explanatory caption, and be on a separate sheet. Authors must submit tables in an editable format and not as images. References to these tables (if any) must be mentioned accurately.

Figures

Figures are supposed to be submitted as separate files. Always include a citation in the text for each figure using Arabic numbers, e.g., Fig. 4. Artwork must be submitted online in vector electronic form or by emailing it.

Preparation of Eletronic Figures for Publication

Although low-quality images are sufficient for review purposes, print publication requires high-quality images to prevent the final product being blurred or fuzzy. Submit (possibly by e-mail) EPS (line art) or TIFF (halftone/ photographs) files only. MS PowerPoint and Word Graphics are unsuitable for printed pictures. Avoid using pixel-oriented software. Scans (TIFF only) should have a resolution of at least 350 dpi (halftone) or 700 to 1100 dpi (line drawings). Please give the data for figures in black and white or submit a Color Work Agreement form. EPS files must be saved with fonts embedded (and with a TIFF preview, if possible).

For scanned images, the scanning resolution at final image size ought to be as follows to ensure good reproduction: line art: >650 dpi; halftones (including gel photographs): >350 dpi; figures containing both halftone and line images: >650 dpi.

Color charges: Authors are advised to pay the full cost for the reproduction of their color artwork. Hence, please note that if there is color artwork in your manuscript when it is accepted for publication, we would require you to complete and return a Color Work Agreement form before your paper can be published. Also, you can email your editor to remove the color fee after acceptance of the paper.

Tips for writing a good quality Social Science Research Paper

Techniques for writing a good quality homan social science research paper:

1. Choosing the topic: In most cases, the topic is selected by the interests of the author, but it can also be suggested by the guides. You can have several topics, and then judge which you are most comfortable with. This may be done by asking several questions of yourself, like "Will I be able to carry out a search in this area? Will I find all necessary resources to accomplish the search? Will I be able to find all information in this field area?" If the answer to this type of question is "yes," then you ought to choose that topic. In most cases, you may have to conduct surveys and visit several places. Also, you might have to do a lot of work to find all the rises and falls of the various data on that subject. Sometimes, detailed information plays a vital role, instead of short information. Evaluators are human: The first thing to remember is that evaluators are also human beings. They are not only meant for rejecting a paper. They are here to evaluate your paper. So present your best aspect.

2. Think like evaluators: If you are in confusion or getting demotivated because your paper may not be accepted by the evaluators, then think, and try to evaluate your paper like an evaluator. Try to understand what an evaluator wants in your research paper, and you will automatically have your answer. Make blueprints of paper: The outline is the plan or framework that will help you to arrange your thoughts. It will make your paper logical. But remember that all points of your outline must be related to the topic you have chosen.

3. Ask your guides: If you are having any difficulty with your research, then do not hesitate to share your difficulty with your guide (if you have one). They will surely help you out and resolve your doubts. If you can't clarify what exactly you require for your work, then ask your supervisor to help you with an alternative. He or she might also provide you with a list of essential readings.

4. Use of computer is recommended: As you are doing research in the field of homan social science then this point is quite obvious. Use right software: Always use good quality software packages. If you are not capable of judging good software, then you can lose the quality of your paper unknowingly. There are various programs available to help you which you can get through the internet.

5. Use the internet for help: An excellent start for your paper is using Google. It is a wondrous search engine, where you can have your doubts resolved. You may also read some answers for the frequent question of how to write your research paper or find a model research paper. You can download books from the internet. If you have all the required books, place importance on reading, selecting, and analyzing the specified information. Then sketch out your research paper. Use big pictures: You may use encyclopedias like Wikipedia to get pictures with the best resolution. At Global Journals, you should strictly follow here.



6. Bookmarks are useful: When you read any book or magazine, you generally use bookmarks, right? It is a good habit which helps to not lose your continuity. You should always use bookmarks while searching on the internet also, which will make your search easier.

7. Revise what you wrote: When you write anything, always read it, summarize it, and then finalize it.

8. Make every effort: Make every effort to mention what you are going to write in your paper. That means always have a good start. Try to mention everything in the introduction—what is the need for a particular research paper. Polish your work with good writing skills and always give an evaluator what he wants. Make backups: When you are going to do any important thing like making a research paper, you should always have backup copies of it either on your computer or on paper. This protects you from losing any portion of your important data.

9. Produce good diagrams of your own: Always try to include good charts or diagrams in your paper to improve quality. Using several unnecessary diagrams will degrade the quality of your paper by creating a hodgepodge. So always try to include diagrams which were made by you to improve the readability of your paper. Use of direct quotes: When you do research relevant to literature, history, or current affairs, then use of quotes becomes essential, but if the study is relevant to science, use of quotes is not preferable.

10. Use proper verb tense: Use proper verb tenses in your paper. Use past tense to present those events that have happened. Use present tense to indicate events that are going on. Use future tense to indicate events that will happen in the future. Use of wrong tenses will confuse the evaluator. Avoid sentences that are incomplete.

11. Pick a good study spot: Always try to pick a spot for your research which is quiet. Not every spot is good for studying.

12. Know what you know: Always try to know what you know by making objectives, otherwise you will be confused and unable to achieve your target.

13. Use good grammar: Always use good grammar and words that will have a positive impact on the evaluator; use of good vocabulary does not mean using tough words which the evaluator has to find in a dictionary. Do not fragment sentences. Eliminate one-word sentences. Do not ever use a big word when a smaller one would suffice.

Verbs have to be in agreement with their subjects. In a research paper, do not start sentences with conjunctions or finish them with prepositions. When writing formally, it is advisable to never split an infinitive because someone will (wrongly) complain. Avoid clichés like a disease. Always shun irritating alliteration. Use language which is simple and straightforward. Put together a neat summary.

14. Arrangement of information: Each section of the main body should start with an opening sentence, and there should be a changeover at the end of the section. Give only valid and powerful arguments for your topic. You may also maintain your arguments with records.

15. Never start at the last minute: Always allow enough time for research work. Leaving everything to the last minute will degrade your paper and spoil your work.

16. Multitasking in research is not good: Doing several things at the same time is a bad habit in the case of research activity. Research is an area where everything has a particular time slot. Divide your research work into parts, and do a particular part in a particular time slot.

17. Never copy others' work: Never copy others' work and give it your name because if the evaluator has seen it anywhere, you will be in trouble. Take proper rest and food: No matter how many hours you spend on your research activity, if you are not taking care of your health, then all your efforts will have been in vain. For quality research, take proper rest and food.

18. Go to seminars: Attend seminars if the topic is relevant to your research area. Utilize all your resources.
Refresh your mind after intervals: Try to give your mind a rest by listening to soft music or sleeping in intervals. This will also improve your memory. Acquire colleagues: Always try to acquire colleagues. No matter how sharp you are, if you acquire colleagues, they can give you ideas which will be helpful to your research.

19. Think technically: Always think technically. If anything happens, search for its reasons, benefits, and demerits. Think and then print: When you go to print your paper, check that tables are not split, headings are not detached from their descriptions, and page sequence is maintained.

20. Adding unnecessary information: Do not add unnecessary information like "I have used MS Excel to draw graphs." Irrelevant and inappropriate material is superfluous. Foreign terminology and phrases are not apropos. One should never take a broad view. Analogy is like feathers on a snake. Use words properly, regardless of how others use them. Remove quotations. Puns are for kids, not grunt readers. Never oversimplify: When adding material to your research paper, never go for oversimplification; this will definitely irritate the evaluator. Be specific. Never use rhythmic redundancies. Contractions shouldn't be used in a research paper. Comparisons are as terrible as clichés. Give up ampersands, abbreviations, and so on. Remove commas that are not necessary. Parenthetical words should be between brackets or commas. Understatement is always the best way to put forward earth-shaking thoughts. Give a detailed literary review.

21. Report concluded results: Use concluded results. From raw data, filter the results, and then conclude your studies based on measurements and observations taken. An appropriate number of decimal places should be used. Parenthetical remarks are prohibited here. Proofread carefully at the final stage. At the end, give an outline to your arguments. Spot perspectives of further study of the subject. Justify your conclusion at the bottom sufficiently, which will probably include examples.

22. Upon conclusion: Once you have concluded your research, the next most important step is to present your findings. Presentation is extremely important as it is the definite medium though which your research is going to be in print for the rest of the crowd. Care should be taken to categorize your thoughts well and present them in a logical and neat manner. A good quality research paper format is essential because it serves to highlight your research paper and bring to light all necessary aspects of your research.

.

Informal Guidelines of Research Paper Writing

Key points to remember:

- Submit all work in its final form.
- Write your paper in the form which is presented in the guidelines using the template.
- Please note the criteria peer reviewers will use for grading the final paper.

Final points:

One purpose of organizing a research paper is to let people interpret your efforts selectively. The journal requires the following sections, submitted in the order listed, with each section starting on a new page:

The introduction: This will be compiled from reference matter and reflect the design processes or outline of basis that directed you to make a study. As you carry out the process of study, the method and process section will be constructed like that. The results segment will show related statistics in nearly sequential order and direct reviewers to similar intellectual paths throughout the data that you gathered to carry out your study.

The discussion section:

This will provide understanding of the data and projections as to the implications of the results. The use of good quality references throughout the paper will give the effort trustworthiness by representing an alertness to prior workings.

Writing a research paper is not an easy job, no matter how trouble-free the actual research or concept. Practice, excellent preparation, and controlled record-keeping are the only means to make straightforward progression.

General style:

Specific editorial column necessities for compliance of a manuscript will always take over from directions in these general guidelines.

To make a paper clear: Adhere to recommended page limits.



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Mistakes to avoid:

- Insertion of a title at the foot of a page with subsequent text on the next page.
- Separating a table, chart, or figure—confine each to a single page.
- Submitting a manuscript with pages out of sequence.
- In every section of your document, use standard writing style, including articles ("a" and "the").
- Keep paying attention to the topic of the paper.
- Use paragraphs to split each significant point (excluding the abstract).
- Align the primary line of each section.
- Present your points in sound order.
- Use present tense to report well-accepted matters.
- Use past tense to describe specific results.
- Do not use familiar wording; don't address the reviewer directly. Don't use slang or superlatives.
- Avoid use of extra pictures—include only those figures essential to presenting results.

Title page:

Choose a revealing title. It should be short and include the name(s) and address(es) of all authors. It should not have acronyms or abbreviations or exceed two printed lines.

Abstract: This summary should be two hundred words or less. It should clearly and briefly explain the key findings reported in the manuscript and must have precise statistics. It should not have acronyms or abbreviations. It should be logical in itself. Do not cite references at this point.

An abstract is a brief, distinct paragraph summary of finished work or work in development. In a minute or less, a reviewer can be taught the foundation behind the study, common approaches to the problem, relevant results, and significant conclusions or new questions.

Write your summary when your paper is completed because how can you write the summary of anything which is not yet written? Wealth of terminology is very essential in abstract. Use comprehensive sentences, and do not sacrifice readability for brevity; you can maintain it succinctly by phrasing sentences so that they provide more than a lone rationale. The author can at this moment go straight to shortening the outcome. Sum up the study with the subsequent elements in any summary. Try to limit the initial two items to no more than one line each.

Reason for writing the article—theory, overall issue, purpose.

- Fundamental goal.
- To-the-point depiction of the research.
- Consequences, including definite statistics—if the consequences are quantitative in nature, account for this; results of any numerical analysis should be reported. Significant conclusions or questions that emerge from the research.

Approach:

- Single section and succinct.
- An outline of the job done is always written in past tense.
- Concentrate on shortening results—limit background information to a verdict or two.
- Exact spelling, clarity of sentences and phrases, and appropriate reporting of quantities (proper units, important statistics) are just as significant in an abstract as they are anywhere else.

Introduction:

The introduction should "introduce" the manuscript. The reviewer should be presented with sufficient background information to be capable of comprehending and calculating the purpose of your study without having to refer to other works. The basis for the study should be offered. Give the most important references, but avoid making a comprehensive appraisal of the topic. Describe the problem visibly. If the problem is not acknowledged in a logical, reasonable way, the reviewer will give no attention to your results. Speak in common terms about techniques used to explain the problem, if needed, but do not present any particulars about the protocols here.

The following approach can create a valuable beginning:

- Explain the value (significance) of the study.
- Defend the model—why did you employ this particular system or method? What is its compensation? Remark upon its appropriateness from an abstract point of view as well as pointing out sensible reasons for using it.
- Present a justification. State your particular theory(-ies) or aim(s), and describe the logic that led you to choose them.
- Briefly explain the study's tentative purpose and how it meets the declared objectives.

Approach:

Use past tense except for when referring to recognized facts. After all, the manuscript will be submitted after the entire job is done. Sort out your thoughts; manufacture one key point for every section. If you make the four points listed above, you will need at least four paragraphs. Present surrounding information only when it is necessary to support a situation. The reviewer does not desire to read everything you know about a topic. Shape the theory specifically—do not take a broad view.

As always, give awareness to spelling, simplicity, and correctness of sentences and phrases.

Procedures (methods and materials):

This part is supposed to be the easiest to carve if you have good skills. A soundly written procedures segment allows a capable scientist to replicate your results. Present precise information about your supplies. The suppliers and clarity of reagents can be helpful bits of information. Present methods in sequential order, but linked methodologies can be grouped as a segment. Be concise when relating the protocols. Attempt to give the least amount of information that would permit another capable scientist to replicate your outcome, but be cautious that vital information is integrated. The use of subheadings is suggested and ought to be synchronized with the results section.

When a technique is used that has been well-described in another section, mention the specific item describing the way, but draw the basic principle while stating the situation. The purpose is to show all particular resources and broad procedures so that another person may use some or all of the methods in one more study or referee the scientific value of your work. It is not to be a step-by-step report of the whole thing you did, nor is a methods section a set of orders.

Materials:

Materials may be reported in part of a section or else they may be recognized along with your measures.

Methods:

- Report the method and not the particulars of each process that engaged the same methodology.
- Describe the method entirely.
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures.
- Simplify—detail how procedures were completed, not how they were performed on a particular day.
- If well-known procedures were used, account for the procedure by name, possibly with a reference, and that's all.

Approach:

It is embarrassing to use vigorous voice when documenting methods without using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result, when writing up the methods, most authors use third person passive voice.

Use standard style in this and every other part of the paper—avoid familiar lists, and use full sentences.

What to keep away from:

- Resources and methods are not a set of information.
- Skip all descriptive information and surroundings—save it for the argument.
- Leave out information that is immaterial to a third party.



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Results:

The principle of a results segment is to present and demonstrate your conclusion. Create this part as entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Use statistics and tables, if suitable, to present consequences most efficiently.

You must clearly differentiate material which would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matters should not be submitted at all except if requested by the instructor.

Content:

- Sum up your conclusions in text and demonstrate them, if suitable, with figures and tables.
- In the manuscript, explain each of your consequences, and point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation of an exacting study.
- Explain results of control experiments and give remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or manuscript.

What to stay away from:

- Do not discuss or infer your outcome, report surrounding information, or try to explain anything.
- Do not include raw data or intermediate calculations in a research manuscript.
- Do not present similar data more than once.
- A manuscript should complement any figures or tables, not duplicate information.
- Never confuse figures with tables—there is a difference.

Approach:

As always, use past tense when you submit your results, and put the whole thing in a reasonable order.

Put figures and tables, appropriately numbered, in order at the end of the report.

If you desire, you may place your figures and tables properly within the text of your results section.

Figures and tables:

If you put figures and tables at the end of some details, make certain that they are visibly distinguished from any attached appendix materials, such as raw facts. Whatever the position, each table must be titled, numbered one after the other, and include a heading. All figures and tables must be divided from the text.

Discussion:

The discussion is expected to be the trickiest segment to write. A lot of papers submitted to the journal are discarded based on problems with the discussion. There is no rule for how long an argument should be.

Position your understanding of the outcome visibly to lead the reviewer through your conclusions, and then finish the paper with a summing up of the implications of the study. The purpose here is to offer an understanding of your results and support all of your conclusions, using facts from your research and generally accepted information, if suitable. The implication of results should be fully described.

Infer your data in the conversation in suitable depth. This means that when you clarify an observable fact, you must explain mechanisms that may account for the observation. If your results vary from your prospect, make clear why that may have happened. If your results agree, then explain the theory that the proof supported. It is never suitable to just state that the data approved the prospect, and let it drop at that. Make a decision as to whether each premise is supported or discarded or if you cannot make a conclusion with assurance. Do not just dismiss a study or part of a study as "uncertain."



Research papers are not acknowledged if the work is imperfect. Draw what conclusions you can based upon the results that you have, and take care of the study as a finished work.

- You may propose future guidelines, such as how an experiment might be personalized to accomplish a new idea.
- Give details of all of your remarks as much as possible, focusing on mechanisms.
- Make a decision as to whether the tentative design sufficiently addressed the theory and whether or not it was correctly restricted. Try to present substitute explanations if they are sensible alternatives.
- One piece of research will not counter an overall question, so maintain the large picture in mind. Where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

When you refer to information, differentiate data generated by your own studies from other available information. Present work done by specific persons (including you) in past tense.

Describe generally acknowledged facts and main beliefs in present tense.

The Administration Rules

Administration Rules to Be Strictly Followed before Submitting Your Research Paper to Global Journals Inc.

Please read the following rules and regulations carefully before submitting your research paper to Global Journals Inc. to avoid rejection.

Segment draft and final research paper: You have to strictly follow the template of a research paper, failing which your paper may get rejected. You are expected to write each part of the paper wholly on your own. The peer reviewers need to identify your own perspective of the concepts in your own terms. Please do not extract straight from any other source, and do not rephrase someone else's analysis. Do not allow anyone else to proofread your manuscript.

Written material: You may discuss this with your guides and key sources. Do not copy anyone else's paper, even if this is only imitation, otherwise it will be rejected on the grounds of plagiarism, which is illegal. Various methods to avoid plagiarism are strictly applied by us to every paper, and, if found guilty, you may be blacklisted, which could affect your career adversely. To guard yourself and others from possible illegal use, please do not permit anyone to use or even read your paper and file.

Criterion for Grading a Research Paper (Compilation) by Global Journals

Please note that following table is only a Grading of "Paper Compilation" and not on "Performed/Stated Research" whose grading solely depends on Individual Assigned Peer Reviewer and Editorial Board Member. These can be available only on request and after decision of Paper. This report will be the property of Global Journals

Topics	Grades		
	A-B	**C-D**	**E-F**
Abstract	Clear and concise with appropriate content, Correct format. 200 words or below	Unclear summary and no specific data, Incorrect form Above 200 words	No specific data with ambiguous information Above 250 words
Introduction	Containing all background details with clear goal and appropriate details, flow specification, no grammar and spelling mistake, well organized sentence and paragraph, reference cited	Unclear and confusing data, appropriate format, grammar and spelling errors with unorganized matter	Out of place depth and content, hazy format
Methods and Procedures	Clear and to the point with well arranged paragraph, precision and accuracy of facts and figures, well organized subheads	Difficult to comprehend with embarrassed text, too much explanation but completed	Incorrect and unorganized structure with hazy meaning
Result	Well organized, Clear and specific, Correct units with precision, correct data, well structuring of paragraph, no grammar and spelling mistake	Complete and embarrassed text, difficult to comprehend	Irregular format with wrong facts and figures
Discussion	Well organized, meaningful specification, sound conclusion, logical and concise explanation, highly structured paragraph reference cited	Wordy, unclear conclusion, spurious	Conclusion is not cited, unorganized, difficult to comprehend
References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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