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Boburmirzo Botirov

International Islamic Academy of Uzbekistan

PhD researcher

THE SIGNIFICANCE OF KHANAFI MASTERPIECES WRITTEN IN THE 12TH CENTURY IN MOVAROUNNAKHR

Abstract: This article is devoted to investigation of scientific activity of great khanafi lawyers of Movarounnakh in 12th century like Burkhoniddin Marginani, Iftikhoruddin Tokhir al-Bukhoriy, Alouddin Samarkandiy, Alouddin al-Kosoni. This article provides information concerning analysis of structure, methods, chapters along with topics of popular masterpieces of these scientists, which are significant nowadays. This article has data about the role of these works in Islamic law as well.

Key words: Islamic law, Islamic lawyer, fetwa, source, kazi, doom, interpretation.

Language: English

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Introduction

The foundations of the state and law of Uzbekistan - the foundations of national statehood were very ancient and strong, with a long history.

The rich culture of our region with an ancient history has been perfected over the centuries by the creativity of our ancestors, who were scholars of science, rising to the highest levels of enrichment and development, becoming an invaluable heritage not only for us but for all mankind. The First President of the Republic of Uzbekistan I.A. Karimov admitted on this: "The invaluable heritage of scholars of the past has shaped the spiritual consciousness and way of life of many generations, and it still has been impacting"[1].

As the first president of Uzbekistan I.A. Karimov rightly noted, "Since the advent of Islam on earth, for centuries, hundreds of scholars and scholars from various countries of the world have had engaged in Islamic jurisprudence"[2].

These were the Movarounnakh jurists who, with their great works and legal theories, expanded the fields of Islamic law and made a great contribution to the comprehensive development of the science of jurisprudence.

After the time of the mujtahids, the faqihs of Uzbekistan have made remarkable scientific

achievements not only in the period of criticism and history, but also in the period of imitation.

It is known that in the XII century in Central Asia, including Movarounnahr, began to appear influential factors for the development and perfection of the science of jurisprudence. One of these factors, as noted by A. Muminov – it was the establishment of the Karakhanids state during this period. The strengthening of autonomous governance in central cities has led to an expansion of the sphere of influence of prince groups. This created real conditions for the implementation of the norms of jurisprudence. They turned Bukhara and Samarkand into real centers of science. The faqihs of Nasaf, Marv and Fergana also worked in these cities"[3].

According to Turkish researchers, there were about 300 faqihs during this period, more than 150 fiqh (legal) works, 20 fatwas (collections of fatwas) were written, the bulk of which belonged to 98% of the Hanafi school.

In the invaluable works created during this period, the introduction of new volumes of information into the traditional shell of Hanafi jurisprudence was done in three ways:

1) Comments were written on the works of Mohammad ibn Khasan al-Shaybani at the level of "Zakhir-ar-Rivaya";

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2) New independent books on jurisprudence have been compiled;

3) The fatwas of the faqihs of the previous period and contemporary were collected in digests.

Marginoni's "Kitab al-Hidaya fi sharh al-Bidoya" is a textbook which summarised the works in this field[4].

Al-Hidoya, a valuable legal work by Burhaniddin Marghinani, is of great theoretical and practical importance due to its conciseness, perfection, and comprehensive study of the Hanafi school in a comparative manner with other Sunni schools.

Burhaniddin Marghinani was able to find numerous solutions to a wide range of legal issues within the Hanafi school. Although he did not have the authority to do ijihad directly and independently, he made extensive use of analogy, especially the second type of analogy, qiyas qafiy or istihsan, in the creation of his scientific and legal works[5]. For this reason, some scholars have called Marghinani "al-Mujtahid fil-mazhab," meaning Mujtahid according to the several scholars[6].

According to Marghinoni, knowledge comes from three sources. The first is the "Nass", which is the verses of the Qur'an and the hadiths of the Prophet Mohammed (peace be upon him Allah), which are the source of Shari'ah judgment. Second, the mind and thinking. Third, the information that is formed in the organs of emotion (perception) is considered artistic, that is, acceptable without any evidence.

In Hidaya, the scholar uses a comparative approach to the discussion of jurisprudential issues and compares the theories of different sects. It is based first on the Qur'an, then on the Sunnah, and then on consensus and comparison. If the comparison does not help to solve the problem, the production (comparison is reduced). If solution is not found, conclusions draw based on customary. Burhaniddin Marginoni's focus on comparison as a mental source in solving problems, as well as his reliance on production and tradition, opens up a wide range of possibilities in solving legal problems. In addition to prayers, he evaluates legal issues related to the practical life of people, among other things, by these criteria. He conducted logical analysis. He makes extensive use of deduction and scientific analysis. He examined each issue in a comparative manner between different madhabs, drew conclusions, and at the end of the analysis he mentioned the opinion which he found most favorable and prioritized it. Therefore, it is appropriate to call Al-Hidaya as the philosophical analysis of Islamic law[7].

Sources provide information about three works of the scholar. They are Kitab an-Nisab, Hizanat al-Waqi'at and Khulasat al-Fatawa. Ismail Pasha Baghdadi said that scholar also had a work called Hizanat al-Fatawa[8].

Haji Khalifa also wrote in his Kashf az-Zunun: Hizanat al-Fatawa is a work by Iftikhoruddin Takhir ibn

Akhmad al-Bukhari as-Sarakhsi al-Hanafi. He also mentioned that "he is the owner of "Khulosat (the Summary)". "Hizanat al-Fatawa is a great book and it has very few copies"[9].

Iftikhoruddin Takhir al-Bukhari did not say anything about his work Hizanat al-Fatawa. The scholar only mentioned Kitab an-Nisab, Hizanat al-Waqi'at and Khulasat al-Fatawa. Therefore, the existence of the scholar's work "Hizanat al-Fatawa" remains problematic..

Iftikhoruddin Tahir al-Bukhari's Khulasat al-Fatawa is a short copy of the books Kitab an-Nisab and Khizanat al-Waqi'at.

The scholar used a unique style in writing the work. He divided the work into books, the books into chapters, and the gender into genres, and the genres into varieties, using the phrase gender, which is not observed in any play. The introduction to each book details what issues are covered in the book, how many chapters it consists of, which topics are covered in which chapters, and which issues are covered in the chapters on gender.

The order of writing the chapters of the book is arranged differently from the books of general Hanafi jurisprudence. They begin with the "Book of Purification" and end with the "Book of Shuf'a" (Right of Purchase).

The general order of Hanafi jurisprudence books, on the other hand, usually begins with the "Book of Purification" and ends with the "Book of Faroiz".

Khulasat al-Fatawa quotes the rulings, norms and fatwas of the scholars of Iraq, Balkh, Bukhara, Samarkand, Margilan, Sarakhs and many other cities, taking into account the local conditions and traditions of the region. .

Iftikhoruddin Takhir Bukhari's "Khulasat al-Fatawa" is an important source in the history of Islamic jurisprudence, and its role in the scientific, theoretical and practical development of Hanafi doctrine is one of the great achievements not only in Central Asia, but in the entire Muslim world. This is because this work served as a source for jurisprudential works of the Hanafi school created in later periods.

This work of the scholar is one of the largest and most reliable sources in the field of fatwa. The work was used as an important source in the practical work of faqihs, judges, muftis from the time of the scholar to the first quarter of the last century. Of course, there were always copies of this work in the libraries of that time, and those who were interested in many legal issues found answers from this work. When the jurists debated a ruling on an issue, the answer was stated in the Khulosat, and a jurist unanimously accepted the ruling without refuting it. Therefore, this work attracts researchers who are still conducting research in the field of Islamic law.

The author's work "Khulasat al-fatawa" has come down to us, and today in the libraries of Muslim countries and libraries of our country have preserved ancient copies of different centuries. In the

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Manuscripts Fund of the Academy of Sciences of the Republic of Uzbekistan Inv. № R: 8868, 6505, 8427 and a total of eighteen Arabic manuscripts of the work are available. Some of them are one-volume and some are two-volume, and both volumes are combined in one book.

Iftikhoruddin Tahir Bukhari is one of the third class of mujtahid scholars to deduce any nass from the madhabs. When the names of the mujtahids of the Hanafi school are mentioned, it has said: "Al-Khassaf, al-Tahawi, al-Karhi, Shams al-aimma al-Khalwani, Shams al-aimma as-Sarakhsi, Fakhru-Islam Bazdavi, Burkhaniddin Makhmud ibn as-Sadr Al-Zakhira wa'l-Mukhit and Shaykh Takhir ibn Akhmad Sakhib al-Khulasat al-Fataawa, Fakhriddin al-Qazikhan, Ibn Khumam, and other jurists, both in terms of method and in terms of "Furul fikh (application of Shariah in certain areas)", are incapable of contradicting other scholars. But they are scholars who can make judgments on issues that have not been written about it based on their methods and rules"[10].

Iftikhoruddin Takhir Bukhari, a jurist who commented on his academic degree, said: The author of the "Summary" is one of the greatest scholars to be trusted. Therefore, it is obligatory to follow his words and narrations. The scholars' faith in Iftikhoruddin Takhir Bukhari became so strong that they began to follow his words in matters of jurisprudence"[11].

Another great scholars of the Mawarounnahr school of jurisprudence are Alouddin Mohammed ibn Akhmad Samarkandi (d. 1145) and Alouddin al-Qasani (d. 1191).

Alouddin Mohammed ibn Akhmad Samarkandi studied jurisprudence from Abul-Main Makhuli and Sadrul-Islam Abul-Yusr Bazdavi and was admitted as a great scholar of his time and made an important contribution to the development of Hanafi jurisprudence. His book "Tukhfat al-Fuqaha" is of great interest in Hanafi jurisprudence and has been the subject of many commentaries. In addition to Samarkand jurisprudence, Alouddin was a follower and disseminator of the teachings of Imam Abu Mansur Moturidi as one of the great representatives of the Hanafi school in theology.

According to sources, she had a daughter named Fatima, a scholar with the authority to issue fatwas, who had collaborated with her father in the field of jurisprudence.

The period of Alouddin as Samarkandi and his daughter Fatima bint Muhammad lived in the second half of the XI century and the first half of the XII century. During this period, tensions between the representatives of various sects, especially the Hanafi Shafi'is, intensified in Mowarounnakh.

The first information about Alouddin as Samarkandi and Fatima bint Muhammad can be found mainly in the introduction to the work of Alouddin al-Qasani's disciples - Alouddin al-Qasani and in the book "Kitab al ansob" by Asamani (d. 1167). In the

books of the Hanafi madhab, the information is given in a short order. For example: Ibn Qutlubugo, Tashkuprizoda, Kafavi, Haji Khalifa, Lankavi.

Our analysis shows that the Hanafi madhab is widespread in the Mowarounnahr region, and many great and potential representatives and imams of the sect have reached the level of perfection, both in the field of faith and in the field of law. They created important legal works based on the works of Abu Hanifa and his talented students Muhammad ibn Hasan Shaybani, the books "Zahirur-Rivaya" by Abu Yusuf, "Kitabul-Hiraj", which formed the legal and ideological basis of the Hanafi school who have made a worthy contribution to its development and prosperity. For example, eight of the great jurists of Mawarounnahr wrote scientific works in the field of jurisprudence under the name of al-Mabsut. Among them were Fakhru-Islam Al-Bazdavi Mabsuti in 11 volumes, Shaykh al-Islam Mohammed ibn Husayn al-Bukhari al-Hanafi Mabsuti and Shamsul-aimma as-Sarakhsi Mabsuti in 15 volumes. These works are an invaluable legacy covering many areas of Islamic law, including family and marriage, crime, property relations, and international law.

At the current stage of development of our society, in the process of strengthening the spirituality of the Uzbek people, including religious literacy, scientific analysis of the above-mentioned areas of Islamic law, especially the rules of family relations, is becoming a social necessity. This is because it is very important in practice to study the social nature of the norms of family relations in Islam and the scientific analysis of the absolutely wrong views of the fundamentalist currents in family relations and its negative social consequences.

Concepts such as justice, duty, obligation in family relations, relations between spouses, parents and children and relatives, the basic requirements arising from universal moral values, defined in the verses of the Qur'an and the hadiths, as well as in the works of our jurists analyzed above distorted during the reign of the totalitarian regime.

Therefore, in the norms of Islamic law, the general social aspects of family relations, socio-historical foundations, its cultural, spiritual, legal features, the main sources of Islam, classical jurisprudence books, including Fakhriddin Qazikhan's "Fatavoi Qazikhan" written in the XII century by scholars from our country, Burhoniddin "Al-Hidoya" by Marghinani, "Tuhfat ul-Fuqaha" by Alouddin al-Samarkandi, "Khulosat ul-Fatawa" by Iftikhoruddin Tokhur al-Bukhari "Al-fikh an-Nafi" by Abul Qasim al-Samarkandi, "Badoi us-sanoi fi tartibish-sharoi" by Alouddin Qasani. Scientific research and comparative study of customary law on the basis of such works as "industry and order" are very important today in the context of religious and political ideological struggles. Because Islamic law is now considered a form of customary law, it is well

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known that its level of influence on the people is profound.

In Mowarounnahr, for more than a thousand years, the Shari'a-fiqh laws, which have played a key role in the legal regulation of social relations, include the registration and annulment of marriage, mutual legal relations between spouses, parents and children, guardians and trustees, and obligations. The rules of the relationship related to the guarantees of their implementation are perfectly regulated in all respects. In their works, the faqihs also sought to harmonize certain legal norms with local conditions.

In conclusion, one of the important tasks facing researchers is to study the legacy of our mature scholars, who in the twelfth century developed the Islamic sciences in all respects and left their great works. Because the heritage of many other scholars, such as Burhaniddin Marginoni, Iftikhoruddin Tahir al-Bukhari, Fakhruddin Qazikhan, Alouddin Samarkandi, Alouddin Kasani, are important sources in the history of Islamic jurisprudence. is one of the great achievements in jurisprudence. This is because the scientific heritage created during this period served as a source for jurisprudential works of the Hanafi school of thought created in later periods, and even until the first quarter of the last century it was used as an important source in the practical activities of faqihs, judges and muftis. Because the rules in these works, which are based on the conclusions of the

Hanafi school, are as lenient and convenient as the laws of this madhabs, taking into account the local traditions of the peoples, they are widespread in most Muslim countries, including judges (civil, marriage, family) and other disputes used these resources effectively in solving.

Hence, in Mowarounnahr, the science of Hanafi was further developed by the efforts of the scholars we have analyzed in the direction of Hanafi. Another important aspect of this period seems to be the development of not only one branch of Islam, but many sciences related to it. Therefore, the works created during this period still attract researchers who are conducting research in the field of Islamic law. It would be useful to find out more about the lives of our jurists and to study their impact on the political and social life of Mowarounnahr at that time, as well as the important aspects of their works from today's point of view.

As the president of Uzbekistan Shavkat Mirziyoyev said in his petition to the Parliament on January 24 this year, "... We must deeply study the heritage of our enlightened ancestors. The more we study this spiritual treasure, the more we will find the right answers to the many questions that still concern us today. The more we actively promote this priceless wealth, the more our people, especially our youth, will realize the value of today's peaceful life".

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