SECTION 22.
RELIGIOUS STUDIES AND THEOLOGY

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JURISPRUDENCE OF MUHAMMAD BAZDAWI
(IX – XII CENTURIES)

Annotation. This article highlights facts about the contribution of Bazdawi scientists to the development of jurisprudence working in the Nasaf oasis in the Middle Ages.

Introduction. As a result of the encounter with different religions and local traditions during the spread of Islam, schools of Islamic jurisprudence and fiqh emerged in the 8th-9th centuries. Fiqh science is a branch of Muslim jurisprudence and development of Sharia laws, so it is included among the religious sciences. The term Fiqh means "to know", "to understand" or "to find" in Arabic. Fiqh is a part of Islamic sciences, and it refers to Muslim jurisprudence that develops the rules of Sharia law. A scholar who knows poetic law – rules and rights is called a "faqih" [19].

Fiqh as a religious jurisprudence consists of two areas – the development of Sharia sources ("usul al-fiqh") [26] and the application of Sharia to specific areas ("furu' al-fiqh") [27]. From the middle of the 8th century, the science of jurisprudence began to develop as an independent science, and this period is called the "golden age" in the formation of Islamic jurisprudence [25]. By the 10th century, Shafiism, Malikiism, Hanafiism, and Dawoodism were noted by Muslim scholars as the largest jurisprudential schools of Sunnism. Hanbali jurists were recognized only at the beginning of the 12th century [9].

Methods. The history of the subject was scientifically analyzed on the basis of generally accepted historical methods – historicity, comparative-logical analysis, consistency, impartiality.

Results and Discussion. At the end of the 8th century – at the beginning of the 9th century, the Hanafi sect began to spread in Movarounnahr. Based on the teachings of this sect, the Movarounnahr school of jurisprudence was established in the cities of Bukhara and Samarkand [7]. The jurists of this country gained fame in the entire Islamic world with their profound knowledge and valuable works. The influence of jurists on the ruling circles of the state and the public was very strong [16].

Thanks to the services of several generations of jurists from Movarounnahr, the historical and legal traditions of local peoples have been reflected in Islamic culture. Islamic scholar A.Mominov divided the history of Movarounnahr jurisprudence school into three main periods according to their characteristics [20].

1) period of formation – VIII – X centuries;
2) the most developed period – XI – XIII centuries;
3) the period of gradual weakening – the beginning of the 13th century – the 14th century.

In the 9th-10th centuries, the process taking place in Movarounnahr was still of local importance, and this region was considered a part of Khurasan. As a result of groups of jurists,
Samanid officials emerged as the only defenders of different classes of the population, their social prestige and sphere of influence expanded [20].

The form of jurisprudence based on the Hanafi school of jurisprudence was dominant in Movarounnahr [1]. This is due, on the one hand, to the services of Ahmad ibn Hafs Abu Hafs Bukhari (d. 832) in the formation of a local jurisprudence school here in the 9th century, and on the other hand, the criteria and principles of this school were more suitable to local conditions. In addition, the formation of the local jurisprudence school was greatly influenced by the large Hanafi center in Balkh [13].

In this period, the science of jurisprudence was experiencing a period of formation and strength. After the transfer of state power to the Karakhanid dynasty, necessary factors for the development and improvement of jurisprudence began to appear in Movarounnahr. As a result of the establishment of the Karakhanid state, Movarounnahr's ties with Khorasan weakened. As a result, the basis for the independent development of local schools was created. Bukhara and Samarkand became real centers of science. The jurists of Nasaf, Marv, Fargona, Ustrushona regions also worked in these cities [12].

For the development of jurisprudence in Central Asia, the Karakhanid rulers paid attention to the laws of Islamic jurisprudence and applied legal norms to practical life. Also, under the protection of the state and the population, local schools gradually grew and developed, rising to the level of large scientific madrasahs. The expenses of the madrasahs are covered by the income from the waqf properties [21].

The salaries of mudarris, mutawallis and scholars of knowledge were paid from the income from waqf properties. As a result, appropriate conditions were created for the development of jurisprudence. This can be seen in the example of the foundation written by Ibrahim Tamgachkhan. According to it, the annual salary of the head of the Samarkand madrasa was 2,000 dirhams, the salary of the mudar of fiqh was 3,600 dirhams, the salary of the mudar of literary sciences was 1,200 dirhams, the salary of the mudar of the Holy Quran was 1,200 dirhams, and the salary of the Taliban was 360 dirhams. According to the prices of that time, one mudarris could buy 150-200 loaves of bread and 2-3 cows with one month's salary [11].

By the 11th – 13th centuries, jurisprudence reached a high stage in Movarounnahr. The Turkish scholar Yu.Z.Kavakji, who conducted research on this topic, speaking about the Karakhanid period, notes that about three hundred jurists emerged in this region, more than twenty sets of fatwas, more than three hundred and fifty jurisprudential works were created, and 98 percent of them are related to Hanafi jurisprudence [5].

Abulfazl Qazvini mentions in his work "Kitab un-naqz" that in the 12th century, the majority of the population in Khorasan, Movarounnahr and all regions of Turkestan belonged to the Hanafi sect. Scholars of religion gained great attention and influence, and benevolent people spared their lives and property. The number of jurists in Central Asia in the 18th and 18th centuries can be known from the information given by Allama Qazvini Muhammad ibn Ahmad al-Nasawi from the work titled "Sirati of Jalaluddin Munkabirni (Manguberdi)". According to him, 6,000 jurists, all of them belonging to the Hanafi sect, lived under the protection of Sadr Jahan Burkhaniddin Muhammad and his descendants, one of the great imams and leaders of the Bukhara "Oli Moza" (Moza family). This family took Hanafi jurists under their protection even after the Mughal invasion. According to the sources, Sadr us-Sudur Burhoniddin Abdulaziz ibn Umar saved the life of a Hanafi jurist by paying 30,000 red gold (dinars) in the city of Samarkand [11].

A school of jurisprudence was established in the oasis of Nasaf at the end of the 8th century and the beginning of the 9th century, like other cities of Movarounnahr. Nasaf, one of the famous cities of Movarounnahr, produced great scholars who embodied various sciences of Islam. The city of Nasaf is more famous for its jurists. Among them are Abu Muti' Makhul Nasafi (d. 318/930), Abu Ali Husayn Nasafi (d. 424/1034), Najmuddin Abu Hafs Umar Nasafi (1070 – 1143), Abulfazl Muhammad Burhan Nasafi (600-679/1201 – 1281). can be mentioned [22].
Representatives of the Bazdawi dynasty also play an important role in the development of jurisprudence in the oasis of Nasaf. There were several jurists in this generation, most of whom were judges and mudarris, and held important positions in religious and state affairs. The greatest representative of the dynasty is Abul Yusr Ali ibn Muhammad Bazdavi, known as "Fakhrul Islam".

Allama's full name is Fakhrul Islam Abul Yusr Abul Hasan Ali ibn Muhammad ibn Husain ibn Abdulkarim ibn Musa ibn Isa ibn Mujahid Nasafi Bazdavi [15], he was born in the year 400 AH (1009) in the fortress of Bazda (Pazda) near Nasaf. Some sources describe it as a strong fortress six farsahs from Nasaf [6]. Allama's father worked as a judge in the cities of Samarkand and Bukhara, after he was released from his duties, he moved to Bazda and settled there [2]. He died in Kesh in the month of Rajab 482 AH (1089) and was buried in the Chokardiza cemetery of Samarkand.

The well-known Arab historian Shamsuddin Zahabi (1274 – 1347) wrote about Allama in his work entitled "Siyaru al-ami-n-nubala": "Allama who has his own sect in the Madhhab of Fakhrul-Islam Bazdavi Imam Azam Abu Hanifa" [14], the historian Sam'ani (1113-1167) noted that "Fakhrul-Islam was the shaykh of the Bazdavi Hanafi sect in Movarounnahr" [26].

Alloma lived at the same time and was friends with Shamsul A'ima al-Sarakhsi (1009 - 1090), a famous jurist of Movarounnahr. Muhammad Bazdavi wrote 6 works on fiqh and had many students. His teacher was the famous scholar Abdulaziz Halwani (d. 455/1069), who is the author of the work "al-Mabsut" ("The Comprehensive"), which gained great fame in the Islamic world of jurisprudence [18].

Muhammad Bazdavi's work "Kanz al-usul ila marifat al-usul" ("The treasure of attaining the knowledge of method") "Usul al-Bazdavi" ("Bazdavi's method"), "al-Usul" ("Fundamentals"), "Kitab ul-kabir fiy usul al-fiqh" ("The big book on usul al-fiqh") was also known [10]. This work is written about the foundations of Islamic law, and many commentaries have been written on it. Because of this, the scholar received the titles "Faqih Movarounnahr" ("Movarounnahr jurist") and "Ustoz al-aimma" ("Teacher of the Imams"). Allama was known as "al-Usuli" (methodologist) because he was engaged in scientific activities in the fields of fiqh and usul and wrote manual works on this subject [16].

"Usul al-Bazdavi" is one of the important books that collect rare issues. Scholars and seekers of knowledge studied this book with reverence. Mulla Khatib Chalabi mentions more than ten commentaries on this work in his book. The book "Kashf ul-asrar" by Imam Alauddin Abdulaziz ibn Ahmad Bukhari (d. 730/1330) is considered the most respected among the commentaries of "Usul al-Bazdavi" [28], and was published in the cities of Cairo and Istanbul [24].

As an important source, the manuscripts of Bazdavi's works are kept in different countries of the world. Karl Brockelmann, a German orientalist, reports that manuscript copies of "Usul al-Bazdawi" are kept in cities such as Berlin, London, Paris, Delhi, St. Petersburg, Peshawar, Cairo, Tunis, and Istanbul [3].

In addition, Bazdavi wrote "Kitab al-mabsut", "Risala fi qira'at al-musoli", "Sharh al-jami' as-sahih" written on the work of Muhammad ibn Hasan Shaibani (709-805) "al-Jami' as-saghir" on the science of jurisprudence. city named after him, created the works "az-Ziyadat", "Ziyadot az-Ziyadot". Also, although authoritative sources provide information about the existence of works of the scholar such as "Gina' al-Fuqahao" and "Sharh al-Jami' al-Kabir", these works have not reached our time [4].

Abul Yusr Muhammad Bazdavi, another jurist in the Bazdawi family, is also a famous jurist, known as "al-Qazi al-Sadr" ("Leader of Judges"). He taught spelling and jurisprudence in Bukhara [8]. Other jurists such as Abul Ma'ali Ahmad Bazdavi (481 – 542/1088 – 1147) and Abu Sabit ibn Ali Bazdavi (470 – 557/1077 – 1161) emerged from the Bazdavi dynasty [19].

Conclusion. So, in the middle ages, scholars of the Nasaf oasis were active in jurisprudence and contributed to finding solutions to important issues through their works. Among these scholars, jurisprudence scholars belonging to the Bazdawi dynasty had a great place.
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