



**CLASSIFICATION OF WORKS ON ISLAMIC LAW WRITTEN IN MAVERANNAHR  
DURING THE MEDIEVAL**

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**Abstrakt**

It is known from history that Movarounnahr is a land where various sciences developed and many scientists grew up. The sciences of Islam, especially tafsir, hadith, fiqh and Sufism, developed in this region at different periods. Among these disciplines, Islamic law went through two periods: the formative and classical periods during the X-XII centuries. During these centuries, many scholars wrote rare works on a range of issues related to the field of Islamic law. This article reveals the specific aspects of several works on Islamic law written in the X-XII centuries.

**Keywords:** Hanafi madhhab, usul, furu', judicial texts, fatwa, rulings, khilaf science, faraiz, jadal.

**INTRODUCTION**

The Hanafi sect spread mainly through two scholars: Abu Sulayman Juzhoni (d. 200/815) and Abu Hafs Kabir Bukhari (d. 216/831) in Movarounnahr region. As a result of their efforts, kalam and fiqh schools were established in Samarkand, Bukhara and Nasaf. The fields of Islamic sciences such as Qur'an, Tafsir, Hadith, Kalam, Fiqh, History, and Sufism were developed in these schools, which operated on the basis of the teacher-disciple tradition. At that time, Hanafi jurisprudence developed in the country as a result of answering questions about social issues and finding solutions to problematic issues, many works on Islamic law were published, and famous jurists in the Islamic world appeared. Researchers have dated the history of Movarounnahr jurisprudence in different ways. Among them, the opinion of A. Mominov is important, according to him, the period before the 10th century is the period of formation of Movarounnahr jurisprudence, while the 10th-12th centuries are considered its classic period. In this period, scholars who wrote authoritative works in various fields of jurisprudence worked in the country. At the same time, works related to various fields of Islamic jurisprudence were written and their theoretical and methodological foundations were formed.

**MAIN PART**

Hanafi jurisprudence is divided into usul and furu'. The science of "Usul al-Fiqh" contains the rules for the development of Shariah rulings from the main sources of Sharia, and about 50 works were written by jurists of the Hanafi school in this regard. The main ones were written by Movarounnahr scholars in the 10th-12th centuries, and they continue to serve as a guide to the science of method until today. Among the works on Usul science written in this period, the work "Usul al-Pazdavi" (The Method of Pazdavi) written by Ali ibn Muhammad ibn Abdulkarim ibn Musa Pazdavi (d. 482/1089) is known and



famous [1], and in this work, the Hanafi sect the rules of the method are described in detail. More than ten comments have been written on this work.

The jurist Shamsul aimma Abu Bakr Muhammad ibn Ahmad ibn Sahl Sarakhsi (d. 483/1090) from Movarounnahr also wrote the work "Usul Sarakhsi" (The Method of Sarakhsi) on the science of Usul. This source was based on the work "al-Fusul fil-usul" by Abu Bakr Jassos (d. 369/980).

Also, during this period, one of the scholars of Bukhara fiqh school, Abu Muhammad Husomiddin Omar ibn Abdulaziz Shahid Bukhari (d. 535/1141), wrote the work "Usul al-fiqh" (Fundamentals of Fiqh).

The second major part of Hanafi jurisprudence is the science of "furu' al-fiqh", which is a set of practical rulings developed on the basis of the rules defined in the science of "usul al-fiqh". It contains the sharia arguments of the mujtahids, the judgments and fatwas issued based on them. The judgments are arranged in the form of texts based on topics for the convenience of learners. Attention was paid to the language being fluent and popular, the conditions of the time and place were taken into account, modern issues and fatwas were introduced, the differences between the imams of the madhhab and the rulings of other madhhabs were compared. In the 10th-12th centuries, many fiqh texts related to the science of "furu' al-fiqh" were written.

When talking about Hanafi fiqh texts, the work "Mukhtasar al-Quduri" [2] by Abul Hasan Ahmad ibn Muhammad Quduri (d. 428/1037) is mentioned. Because this work is considered the first among jurisprudential texts and a work that served as a model for subsequent works. All fiqh texts written in the later period were written as a commentary on this work or within its themes. Therefore, this work became the basis for the works of scholars of the next century in this direction. Haji Khalifa (d. 1067/1657) said that in Hanafi, when it says "Book", this work is meant. 12,000 jurisprudential issues are explained in this work. Among the comments written to him, 15 are known and famous.

One of the most important sources in Hanafi jurisprudence is the work "al-Mabsut" (Explained in detail) by Shamsul aimma Muhammad ibn Ahmad Sarakhsi (d. 483/1090). This work is a commentary on the book "al-Kafi" (The Sufficient) by Hokim Shahid. This work of Sarakhsi, which began to be written in Uzgand, was finished in Fergana in 477/1084 [3]. This work, consisting of 15 volumes, is considered to be the largest and the most comprehensive work among jurisprudence texts. In this work, not only the issues related to the Hanafi school, but also the arguments of the Shafi'i, Maliki, and Hanbali schools are cited on some issues.

"Bidayat al-Mubtadi" (Introductory Guide for Beginners to the Study of Fiqh) by Burkhaniddin Abul Hasan Ali ibn Abu Bakr ibn Abduljalil Roshidani Marginani (d. 593/1197), "Mukhtasar al-Quduri" by Imam Quduri and "al- It was written based on the work of Jome' al-saghir. This work consists of a total of 58 sections.

One of the jurisprudential texts written in Movarounnahr in the 12th century is the extensive work of Alauddin Samarkandi (d. 538/1144) called "Tuhfat al-Fuqaho" (Gift of the Jurists) [4], which is also the work of "Mukhtasar al-Quduri". based on In it, the author explained jurisprudential issues in a light style and clear phrases, which allowed the reader to understand the words and understand the essence of the issue easily. At the same time, the work compares the views of the four sects of Ahl as-Sunna wal-l-Jamaa and the founders of the Hanafi sect on each issue.



One of the representatives of the Samarkand school of jurisprudence, Abu Bakr ibn Mas'ud ibn Ahmad Alauddin Kosani (d. 539/1145), also has a special authority among Hanafi jurisprudential texts, entitled "Badoe' al-sanoe' fi tarib ash-sharoe'" (Artistic arts according to the order of Sharia). is considered the author of the work. Despite the fact that this work is a review of Alauddin Samarkandi's work "Tuhfat al-fuqaho", it appears independently, chapters and chapters are arranged anew. No verbatim comment is given. Jurisprudential views between sects are cited. The views of the mujtahids of the Hanafi madhhab and the jurisprudential views of the Shafi'i and Maliki madhhabs on each topic are cited. After the most powerful view is presented, it is presented with intellectual and metaphorical evidence. The work has been published several times.

Among the jurisprudential works written in the Hanafi school, the work "al-Hidaya sharh al-bidayat al-mubtadi" [6], written by Burkhaniddin Marginani, stands out. This work consists of 57 sections, 168 chapters and 153 chapters. More than a hundred comments and notes were written on the work. Since this work was written, it has been taught as a basic textbook on Hanafi jurisprudence in Islamic educational institutions, and the fact that it is still being taught in higher education institutions operating in the Republic under the jurisdiction of OMI shows how important the work is.

The reliable jurisprudential sources of the Hanafi sect written in Movarounnahr in the 11th-12th centuries were written by mature scholars and reliable jurists of their field. These works are characterized by weak narrations, free of weak words, jurisprudential differences are not cited, easy to read, evidence and documents are not mentioned, short and easy to memorize. At the same time, jurisprudential disagreements between sects are also mentioned, which is important in the formation of a correct and deep understanding of jurisprudential issues regarding sects and their arguments, as well as the ability to conduct comparative research.

In the 10th-12th centuries, many rare collections of fatwas were written in Movarounnahr. These collections of fatwas were compiled by the famous scholars and jurists of the Hanafi school, in which religious and social issues were explained in a question-and-answer or topic-wise manner.

The collection of fatwas by Faqih Abu Lays Samarkandi entitled Fatawa Abi Lays (Fatwas of Abu Lays)[7:135, 8:181] is the rarest work written in this period. In the introduction to the work, the author mentioned the names of about ten jurists and stated that he used their fatwas in his works "Uyun al-Masail" (Fountains of Problems) and "An-Nawazil" (Things that happened to him). According to the author, there is a need for new fatwas due to the constant occurrence of incidents and events. Fatwas in all fatwa collections cannot respond to all incidents and events. There will be a need for new collections of fatwas. In this collection of fatwas, Samarkandi tried to collect fatwas in response to such new and frequently occurring events and incidents. The work is composed in the style of "such and such a question occurred to such and such person, and he gave such and such a fatwa". The author expressed his opinion on each issue, saying: "This is what the jurist says." The book also includes chapters on the manners of giving and receiving fatwas, refutation of ignorant and heretics, stories and historical events. In the story and history chapter, there are scenes from the lives of Hanafi scholars, information about the names, dates of death and birth of Hanafi scholars.



Fakhruddin Ahmed ibn Muhammad ibn Abu Bakr Bukhari's (d. 522/1128) "Khizonat al-fatawa" (Treasure of Fatwas) is also one of the works written in the direction of fatwas, and it is written by Zahiruddin Kabir Ali ibn Abdulaziz Marginani (d. 506/1112). ) in the "Zakat section" of his work, he specifically mentioned that he was a student of In the preface of the work, the author mentions the previously written work "Majma' al-fatawa" (Complex of Fatwas) and about twenty collections of fatwas of the previous jurists. As usual, the work begins with "Kitab al-taharat" (chapter of Purity) and ends with "Adab al-mufti" (Etiquette of the Mufti). This fatwa collection has not been published either. Also, the work of the same name was written by Qazi Jakan Hindii (d. 920/1514).

Another of these works is the work of Abul Fath Abdurrashid ibn Abu Hanifa ibn Abdur Razzaq Valvoliji (d. 539/1145) entitled "Fatawa Valvolijiya" (Fatwas of Valvolij). In the preface of the work, the author notes that he took the most important fatwas of Husomiddin Sadr Shahid (d. 546/1151) and reworked them to create a new collection of fatwas. Although the work begins with the "Prayer Section", it also includes matters of ablution. This collection of fatwa is also attributed to another Hanafi scholar Abul Makarim Ishaq ibn Abu Bakr Walwaliji (d. 710/1310).

Iftikharuddin Tahir ibn Ahmad ibn Abdurrashid Bukhari's (d. 542/1148) work "Khulosa al-fatawa" (Summary of Fatwas) stands out among works of this type[7:133]. In the preface, the author writes that he abridged his book based on the works "Khizonat al-waqeot" (Treasure of Events) and "Kitab an-nisab". At the beginning of each book (section) of the work, the chapters and topics are described. This fatwa collection consists of 4 volumes, the first volume has 6 chapters, the second and third volumes have 3 chapters, and the fourth volume has 35 chapters.

There is a work by Rukniddin Abu Bakr Muhammad ibn Abul Mafakhir ibn Abdurrashid ibn Nasr Kirmani (d. 577/1182) entitled "Jawahir al-fatawa" (Jewel of Fatwas)[8:184]. The scholar arranged this work based on the collection of fatwas belonging to his teacher Rukniddin Abul Fazl Abdurrahman Kirmani (d. 543/1148). The author followed the recommendations of jurist Qazi al-Quzat Jalaluddin Mutahhar ibn Husayn Yazdi (d. 591/1194) and cited the fatwas of these jurists in the previous chapters of each section of the work. In the work, each section is mainly composed of six chapters. In the first chapter - Rukniddin Abul Fazl Kirmani, in the second chapter - Jamaluddin Yazdi, in the third chapter - Ato ibn Hamza Sa'di (11th century), in the fourth chapter - Najmuddin Abu Hafs Umar Nasafi (d. 536/1142), in the fifth chapter - Abu Muhammad Sulaiman. Kirmani, in the sixth chapter, the fatwas of the scholars of the later period are described. If the topic and volume of the section is large, the chapters are also increased and the fatwas of the scholars are mentioned with their names. The work, according to tradition, began with the "chapter of chastity" and ended with the chapter on beliefs. Importantly, the work also includes a chapter on Abu Hanifa's *manoqib*. A modern edition of this collection of fatwas has not been made. A unique copy of his manuscript, copied in 889/1484 by one of the judges of the Timurid period - Ikhtiyoriddin ibn Ghiyosiddin Hiravi, is stored in the manuscript fund of Uz Res FA ShI.

"Fatawa al-Attabiyya" (Fatwas of Attabi) by Zayniddin Abu Nasr Ahmad ibn Muhammad ibn Umar Attabi Bukhari (d. 586/1190)[7:136]. Other names of this collection of fatwas are "Jawame' al-fiqh" (Collections of Fiqh) and "Jome' al-fiqh" (Collection of Fiqh). Its author noted that it consists of four





volumes in the book "Kashf az-zunun" (Unveiling Suspicions). In the preface of the work, Attabi stated that he tried to collect issues that were needed during events and events, and mentioned the names of about 30 Hanafi jurists, used their fatwas, and mentioned only their names or nisbas during the writing of the work.

One of the rare collections of fatwas in Hanafi jurisprudence is *Fatavo Qazi Khan* (Fatwas of Qazi Khan)[9:603]. In the sources, it is also mentioned under the name "Fatovo al-Khaniya" or "al-Khaniya". Its author is Fakhriddin Qazikhan Hasan ibn Mansur ibn Mahmud Ozjandi (died 592/1196). The work collects issues that often happen in reality. In the introduction part of the work, the manners and customs of receiving fatwa are discussed.

"Fatawa al-Dinari" (Fatwas of Dinari)[8:185] by Abu Nasr Alauddin Abdulkarim ibn Yusuf ibn Muhammad ibn Abbas Dinari (d. 593/1197) is one of the famous collections of fatwas, and it was given in relation to the town of Dinar near Astrobad. . This work is considered to be one of the oldest collections of fatwas in the Persian language related to Hanafi jurisprudence. In the work, the author noted that he began to summarize the issues of "al-Nawazil" and "al-Waqeot" in Persian and named it "Ujubat al-fatawa" (Wonderful Fatwas). The work is composed in the form of answers to the questions posed to the author, without division into sections, chapters and seasons. Later, the author divided it into 40 chapters and internal parts and called it "al-Mutajonis min ujubat al-fatavo" (One of the amazing fatwas similar to each other). This fatwa collection is arranged in the form of "Suila" (asked), "Ujiyba" (answered) - in the form of questions and answers.

During the period of development of Islamic jurisprudence, in addition to the science of "usul" and "furu", so to speak, it created several other fields that complemented them. Research scientists include: The science of jurisprudence is a science dealing with providing proofs of jurisprudence, studying and analyzing them. In this field, a book called "al-Asar" (Works) was written by Muhammad Shaybani. This book is similar to the scholar's work *Muwatta*. In the book, Imam Muhammad narrated the permissible and permissible hadiths from Imam Abu Hanifa. Also, Ibrahim Nakhai, one of the teachers of the Iraqi school, and about twenty other teachers narrated hadiths. At the suggestion of his friend Allama Qasim ibn Qutlubuga, Hafiz ibn Hajar wrote a book about the narrators of this work, "Al-Isaar bimarifati ruvvati kitab al-asor"[10:150].

Later, Abu Ja'far Tahawi (d. 321/933) wrote the works "Sharh ma'on al-asor" (Commentary on the meanings of the works) and "Mushkul al-asor" (Difficult parts of the works). There is a book called "Kashf al-osor" by Abdullah Subazmuni (d. 341/952). In later periods, many scientists wrote works in this direction. For example, one of the scholars who lived in the 20th century, Zafar Ahmed Usmani Tahanawi (d. 1395/1975), the work "Elal al-sunan" (Exalting the Sunnahs) is considered one of the notable works among modern books written in this genre.

The science of *Khilaf* is a science of comparative jurisprudence and is considered one of the main directions of "usul al-fiqh". This knowledge is also called by names such as "fiqhi muqorin" and "ilmi nazar". The emergence of *Khilof* science dates back to the 11th century. The founder of this science is the jurist Abu Zayd Dabusi Bukhari (d. 430/1039) from Movarounnahr, whose works "at-Ta'sis an-nazar" (Justification of views) and "Taqqim al-adilla" (Evaluation of evidence) were the basis of this



science. Also, Abu Lais Samarkandi's work "Mukhtalif ar-riwaya" (Discord of narration)[11] was also written during this period. In addition, Abu Hafs Nasafi's (d. 536/1142) "al-Manzuma fil-khilaf" (Poem about Khilaf) and Raziuddin Sarakhsi (d. 571/1175) "al-Tariqa ar-Rizaviya" (The works of "The Way to Agree" are considered as sources of this science.

The science of debate is a branch of science that studies the methods of scientific debate, and it defines the manners and rules of debate between jurists and madhhab. This field of science was also founded in the 11th century. Its basis is the book "Usul al-Pazdavi" by Fakhrulislam Pazdavi (d. 482/1089) and "al-Irshad" (The Guide) by Rukniddin Omid (d. 615/1218), Abu Hafs Nasafi's "al- The book "Fusul" (Seasons) is also considered a work related to this field.

Abu Lais Samarkandi also wrote a treatise in this field called "Tatimma adob al-bahs". A manuscript copy of the work is stored in the library "Dar al-kutub az-zahiriya" in Damascus.

The science of Faroese is one of the special directions of the science of jurisprudence, which includes issues related to the right of inheritance and the distribution of inheritance. A number of works were created in Movarounnahr on the science of fariz of the 10th-12th centuries. The books "Faroiz al-Usmaniya" [12] by Burkhaniddin Marginani (d. 593/1197) and "ar-Raiz fi al-faroiz" (practicing in the science of Faroiz) by Mahmud Zamakhshari (d. 538/1144) written in this period. Also, in some of the classic textbooks of Hanafi jurisprudence, separate sections and chapters on the issues of inheritance and will have been included.

Adab al-qaza is a field related to the subject of the manners of judgment. It describes the status of the judge, his behavior, the rules and manners of judging, his dealings with other judges and the population, and other similar issues. In Hanafi jurisprudence, Abu Yusuf's book "Adab al-Qazi" is the first source in this regard. Many works were written in this field of science in the following centuries. Among them, Quduri (d. 428/1037), Shamsul Aimma Halvani (d. 456/1063), Imam Sarakhsi (d. 483/1090), Husumush Shahid (d. 546/1151), The works of Khoharzoda (d. 483/1090) and Qazi Khan (d. 592/1195)[13] gained great fame in this field.

Hiyal science is a field that studies the use of tricks to achieve halal goals from activities permitted by Sharia. This field is called "tricky Sharia". It is also called "al-Makhoriij" (Places of Exit). A work entitled "Al-Hiyal wa-l-Makharij" (Deceptions and Exits) was narrated from Muhammad Shaybani. Sirojiddin Oshiy (d. 575/1179), one of the jurists of Movarounnahr who lived in the 12th century, devoted a separate chapter to "tricky Sharia" in his work "Fatovo al-Sirojiya"[14].

Abu Lays Samarkandi's work "Uyunul-masa'il" also has a separate section entitled "Al-Hiyal wa-l-Makharij" (Schemes and Exits), which contains Shariah tricks that can be used to achieve halal goals.

## CONCLUSION

In short, the X-XII centuries are considered the golden age of the development of Movarounnahr jurisprudence. Scientific-theoretical works published by local scholars on the main areas of Hanafi jurisprudence in this period serve as the main source until today. In this process, the role of the scientific activity of Abu Lais Samarkandi deserves special attention. In particular, Samarkandi's works such as "Nawazil", "Muqaddimah", "Uyunul masoil", "Khizonatul-fiqh" gained importance in the development



of Movarounnahr Hanafi jurisprudence. Also, these works are widely used in the interpretation of modern fiqh works. This is of great importance in defining the strong position of Samarkandi in the series of Hanafi jurists and the high merits in the development of Movarounnahr jurisprudence.

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