



ACADEMICIA
An International
Multidisciplinary
Research Journal
 (Double Blind Refereed & Peer Reviewed Journal)



DOI: 10.5958/2249-7137.2021.01286.6

FROM THE HISTORY OF COURTS IN BUKHARA

Alimova Mokhichehra Muzaffarovna* ; Mirzaqulov Beshim Tangrievich**

*Senior Lecturer
 Department of "Social science"
 Buxoro Engineering and Technology Institute,
 UZBEKISTAN

**Assistant of Professor
 Department of "Social Science"
 Buxoro engineering and technology Institute,
 UZBEKISTAN

ABSTRACT

This article is devoted to the history of the judiciary in Bukhara, based on written sources that the judiciary was created in the 7th century and operated on the basis of Sharia law. It is argued that during the reign of the Mangit dynasty in Bukhara, the official who held the post of Qozi kalon was given great powers, and a corresponding scientific conclusion was made.

KEYWORDS: *Amir, Qozi, Qozi Kalon, Sharia, Mufti, Imam, Fiqh, Mudarris, Sheikhulislam, Chairman.*

INTRODUCTION

The term "qozi" is Arabic, meaning decisive, executive, judgmental. With the formation of Islamic teachings and the formation of Muslim communities, the post of Qazi was established from the VII century. Appointed by the ruler in Muslim countries, he served as a judge on the basis of sharia, that is, he was considered the chairman of the sharia court.

In the Arab Caliphate, the first caliphs were appointed by the Prophet Muhammad, and then by the caliph Umar. During the time of Khulafoi Roshidin, the veterans only considered civil affairs, the resolution of the jinoi cases was in the competence of the caliph or regional governors. The office dealing with the complaints was headed by the head of state whom he appointed.

The judge ruled the affairs of non-Muslim citizens on the basis of their religious books. It was possible to appeal to the Caliph over the judge's judgment. In the period when the Arab Caliphate was ruled by the abbosi caliphs, the post of supreme qozi (Qoziul-quzzat) was introduced.

From a practical point of view, the position of the judge did not stain his reputation, was scientific, knew enough of the laws of sharia, which every free (non-slave) Muslim without physical defects and justice could occupy. According to the dish, the veterans were provided with state treasury supplies. [1]

During the reign of Somoni, the minister of amir Abu Muhammad Nuh (in 940-ies), Abu Zar, was actually the ruler of Bukhara, the scholar of fiqh science.

Sometimes the judge had a general authority, and also had the right to judge by the whole country. Sometimes there were also cases when his authority was limited to one province or urban area.

In Bukhara, during the reign of the mangit dynasty (early XX century), the chairman of the Bukhara Qozikalon Sadri Ziyoy - Muhammad Sharifjon ibn Qozi Abdushukur - Shakur, wrote in his memoirs that the judicial power in the emirate, that is, the work of the Qozikalon, was specially organized, for such a post were appointed ulamo and sodot (Sayyids), and they were equated to the governors. They are sheikhulislam, qozi ul-huzzot, qozi askar and voliyi askariya.[2]

In the Central Asian khanates there is a post of qozikalon, which was considered the chief judge, the highest judge of the highest rank, that is, the chairman of the supreme founding. The qozikalon was the head of all the rulers, the pious and the mullahs, who controlled over them. It should be said that the Chief Judge carried out both religious and judicial works.

The functions of the qozi kalon were not the same in the khanates. For example, in the Khiva Khanate, qozi kalon was also considered the chairman of all law issues and the army administration. Also with the calls and scandals of citizens, the qozi kalon was engaged. But the work, which may require a higher punishment, was considered by the Khan himself. In the first half of the XIX century, in the Khiva Khanate, it was noted in the sources that the Qozi kalon had 11 navkars. At the official reception, the qozi kalon was on the right side of the Khiva Khan, on the first place. [3]

As shown in the work of Muhammad Yusuf Munshi "History of the Muqimkhan", the first place was occupied by the right of the Khan was sheikh-ul islam, then the qozii buzruk (the great judge), then the khojas, the sadr, after them the qozii askar, then the alam and chief of staff.

The Qozii askar was considered the qozii of military service in the Muslim Eastern countries, and on the right side of the Khan at the official reception after the qozikalon, in second place. [4]

In the later period of the rule of the mangit dynasty, the appointment of the imam to the mosques of mudarris to the provinces, the chairman, madrasahs, etc. were also included in the task of the Bukhara qozikalon.

During the reign of Amir Abdulahadkhan, the qozikalon Badiuddin of the emirate of Bukhara, after his death, Baqokhan, Burhoniddin during the reign of amir Olimkhan, Muhammad Sharif sadr, then again Burhoniddin worked in this position. It is also possible to know from the

following that qozikalon has a high position in the emirate: qozikalon Burkhoniddin's brother Karomiddin is in Chortoy, his brother's son Aminjan Mahdum Sadr in Khayrabad district, his older son Umarkhan is in Pirmast district in career of Avraqi, his younger son Usmonjon is also in the career of Avraqi in the Zandana district.

According to the order established in the emirate of Bukhara, governors and veterans of the regions once a week officially filed for the state of the country. The applicant, who brought the application to the amir palace, could not return until his answer came out and was obliged to wait for this answer. [5]

In the XIX century, about 300 officials served in the palace of the emirate of Bukhara, received salaries from the state treasury and was completely dependent. And in the local government system, about thirty thousand officials served, and the governor and his officials were not paid by the state, they would spend the day off from the account of taxes, fees collected from the people. The governor said there was no clear law that would determine the activities of the tax collector and diggers.

According to the information of 1915 year, the emirate of Bukhara consisted of 27 provinces (principalities) and 11 districts. With the tax affairs of 9 districts, the veterans subordinated to the qozikalon were engaged. According to the established procedure, the district or province was governed by the bek, the judge and the chairman appointed by the amir, who were employed by the amir, but could not execute a citizen without the amir's decree and the consent of the muftis. [6]

The court, which carried out the judicial proceedings by the judge, was called the qozikhona. Although according to Islamic rules, the Kazakhs should be at the mosques, in most cases the judicial work was carried out in the Houses of the Kazakhs, and on Sunday in the markets. In the khanates, including in every genius of the emirate of Bukhara, there was a qozikhona. The Kazakhs worked under the control of the people's courts from 1917 year. Gradually, the stakes decreased: in 1925 year 87 units, in 1926 year 27 units, in 1927 year 8 units. In 1924 year 5 January "regulations on the construction of a court" the judicial system in force in the BPSR was established. [7]

For the local population, as a result of this change in the judicial case, the form of the court of judges was changed and the existing single-headed judge was formed instead of the collegial judge. Subsequently, by the decree of February 18, 1928 of the SSR XKS of Uzbekistan the courts of the Republic of Uzbekistan ceased their activities.

After the introduction of Turkistan into the Russian Empire, special attention was paid to the regulation of the management of the country. The goal was to adapt it to its own interests by thoroughly studying the national values of the people. Russian Orientalist Ilminsky in his time wrote the following: slowly it is necessary to interfere with the people's trust. Such conclusions should be sought from them themselves, so that they gradually learn to think Christian, Russian. Only then will they unite with the Russian people not only in language, but also in thought and writing. For this purpose, a member of the Russian government – senator, graf inspection by K.K.Palen began with 13 July 1908 year, and continued until the beginning of 1909 year. The main attention was paid to the study of the legal and economic life of the Turkic country. As a result, in Central Asia, the rules of law, the basics of sharia, which were in force at the end of the

XIX beginning of the XX century, were studied. The activities of fiqh (jurisprudence) and mufti (fatwo) were analyzed. [8]

Legal education was carried out in madrasahs in Central Asia, including the emirate of Bukhara. Dozens of luxury madrasahs were also built by khans and amirs who were rulers in Bukhara. Only in the XIX century more than 60 madrasahs were built. It is known from sources that at the beginning of the XX century in Bukhara there were more than 200 madrasahs. [9]

To a certain extent, attention and funds have also been paid to the preparation of people with knowledge for the Gazi courts, Kazakhstanis. Muftiyyids, muezzins, imams and have been allocated a share of the funds received from the foundation to the mudarris who teach shariah science. For example, muesli were given a shekel a year, a hundred nuqra coins. At the end of the XIX and early XX centuries, the amir of Bukhara allocated one hundred thousand rubles a year for madrasahs and their mudarris and teachers. [10]

The sciences taught in madrasahs are divided into three groups:

- 1) Arabic grammar.
- 2) Theology and jurisprudence
- 3) Philosophy

The future diggers were also forced to study the sciences that were divided into these groups. After mastering Arabic language by madrasa students, the course is divided into two sections: the general education course - the course of difficulties and the course of law. The reading of which of these sections is determined depending on the desire of the madrasah student. That is, students could finish reading either both departments or separate coursework if they wanted to.

When Khayyam calls for joy, pleasure in his moral views, he says that his views should be human duty in a person, abandonment world refuses to enjoy real life, that personal happiness is not the main goal of life, but that personal happiness in human society depends on collective happiness [11].

During the course of the course of the issue in madrasah, books such as Fiqhi Kaydani (the doctrine of the actions of compulsive and non-binding factors, which are approved and prohibited), Mukhtasar ul-viqaya (a brief description of religion and civil law), Sharhul-viqaya (the interpretation of the fact), Hidoya-i sharif (a perfectly given book on the issues briefly considered in Mukhtasar ul-viqoya) were read. For example, Sadridin Ayni in madrasah studied Muslim jurisprudence from mudarris Mulla Abdusakoi - "Mukhtasar ul viqoya".

Who was in Bukhara in 1840 year while N.Khanikov was writing about the madrasahs, in order to read the full course in the madrasah, he was asked to study 137 books from students, of which most corresponded to the sciences of philosophy and logic.

In conclusion, along with Islamic education, Islamic belief and Islamic culture, the legal culture formed in our country, has its place in our spirituality and history of a specific judicial system and the study of this does not always lose its relevance. After all, the deeper we study our past, the more just conclusions we draw from it, the greater and more perfect our future will be.

REFERENCES:

1. Ўзбекистон Миллий Энциклопедияси 11-том.
2. А. Фитрат. Амир олимжоннинг ҳукмронлик йилларим. Т. 1992.
3. Муҳаммад Юсуф Мунший “Муқимханская история” Т. 1956. Срт.19-20
4. Б. Мирзакулов. Бухоро тарих зарварақларида. 1-китоб. Т. Lesson Press. 2016.
5. Рисолаи “Мунтахабул-масойил”. Т. Академия нашриёти. 2002.
6. Ф. Бобожонова. Бухоро амирлигида таълим тизими (XIX аср охири-XX асрнинг бошлари) Т. “ADIB”. 2014. 37-38 бетлар.
7. Сухарева О. А. К истории городов Бухарского ханства. Т. Изд. АН УзССР. 1958. стр. 98.
8. Айний С. Бухара (Воспоминания)-Душанбе: Ирфон, 1981.стр.40.
9. Хаников Н. Описание Бухарского ханства. СП б. 1843. Стр. 222.