

SOCIAL SCIENCE AND HUMANITIES

Manuscript info:

Received December 18, 2018., Accepted December 22, 2018., Published February 20, 2019.

FERGANA SCIENTISTS IN THE FIELD OF FIQH

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<http://dx.doi.org/10.26739/2573-5616-2019-1-6>

Abstract: The article is devoted to the analysis of the scientific heritage of the Fergana fiqhschoolscholars in the field of the fiqh foundations (usul alfiqh). The scientific traditions of this school are the least studied in the historical science of this region in the Middle Ages. The article touched upon the history of the emergence of decision-making methods in various areas of the Islamic law foundations, as well as the place and importance of the positions and points of view of Fergana school scholars in this matter.

Key words: Islam, Middle Ages, Muslim law, Fiqh, Muslim law fundamentals, Sharia, Maverannah, manuscripts, sources, Fergana school.

Recommended citation: Adil Kariev. FERGANA SCIENTISTS IN THE FIELD OF FIQH. 1-2. American Journal of Research P. 49-54 (2019).

INTRODUCTION

The science of Muslim law consists of two sections, namely usul al-fiqh (fiqh basics) and furu al-fiqh (fiqh sciences). Although in Uzbek history there are scientific findings, articles and booklets about furu 'al-fiqh - practical fiqh in these two lines of Muslim law, [8,11,6,12], about usul al-fiqh and sources of fiqh - there has been little or no scientific findings [1]. At the same time, a large part of the thousands of manuscripts devoted to the Islamic sciences kept in the treasures of the ancient manuscripts

of Uzbekistan are devoted to the foundations of the fiqh science [9]. Because both the Islamic sciences, including both branches of the fiqhsience, have emerged in the Arab countries, they have been elevated to the highest peak of their development by the Movarounnahrscholars.

LITERATURE REVIEW

In this research, Usul al-fiqh" by Abdulvahob Hallof, "Al-Jome' as-Sahih" by Abu al-Husayn Muslim bin al-Hajjaj, "Usul as-Sarahsy" by Abu al-Wafa al-Afghani, "Al-

Muzhab fi Usul al-Mazhab ala al-Muntahab" by Wali ad-Din Muhammad Solih al-Farfur, "Tarix at-Tashri' al-Islami" by Muhammad al-Huzariy, "Movarounnahr fiqh maktabi" Z.Muqimov, "Movarounnahr fiqh scholars" by A.Muminov, "Burhonuddin al-Margonany. "Hidoya" is an important legal monument" by A.X.Saidov, "Sobranie vostochnyx rukopisey Akademii nauk Uzbekistana", "Usul al-Fikh" by L.G.Syukiyaynen, "Imam Azam's life and his methods of fiqh" by Z.O.Qodirov, "Islamic jurisprudence and Burhonuddin al-Margonany" by O.A.Qoriev, "Al-faida al-bahiya fiy tarjima al-hanafiya" by Abu al-Hasanat Muhammad Abdulhay al-Kunuviy and other sources are used efficiently.

MATERIALS AND METHODS

This is qualitative research using the content analysis approach. More than ten books are used to explain the theme called the Fergana scientists in the field of fiqh principles. Besides that, the researcher had used journals, manuscripts and articles to collect data related to the research.

When we look at the history of the emergence and development of the science of fiqh principles, we can see that in the first Islamic period there was no need to collect and write about fiqh science and its fundamentals. The reason for this, Muhammad prophet answered all questions and issues revealed by the Muslims in the early days. Because during this period the Quranic verses

were being sending and the process of bringing the legal norms in all areas of society to the new dimension of religion continued. After the death of the Prophet (peace and blessings of Allaah be upon him), the legal principles of the Companions were determined according to the Sunnah of the Qur'an and the Prophet (peace be upon him). When the Companions and their followers died, the necessity of determining the strict rules of the rule of law based on the Qur'an and the Sunnah increased. The reason for this is that the jurists, who had come to the knowledge of the time, were not the direct witnesses of the laws of the Prophet (peace be upon him) as the Companions did and could not have a deep knowledge of the Islamic religion foundations. The second coming of the Islamic religion to other regions and their incorporation into the caliphate brought new responsibilities to Muslim jurists. The issue of non-compliance with the specific traditions and national traditions of the peoples of this region is not reflected in the Holy Quran and Sunnah. At that time, judgments from different jurisdictions on different grounds could have led to various disproportions. Moreover, the fact that the scholars of the new era did not properly understand the aims of the Islamic religion and the Shari'ah set out in the Holy Quran and Sunnah had created a danger that they could misguide them. Therefore, the necessity of

establishing strict rules of production, based on the basic law principles, contributed to the formation of the science of the foundations of fiqh.

Although the Muslim right sources were formulated in the eighteenth century as a science, it was actually founded on the life of the Prophet (peace be upon him). The Prophet (Allah bless him and give him peace) commanded the Companions to make *ijtihad* and to judge between them in this or that matter. The conversation with Mu'adh ibn Jabal is very popular [4.p.32., 5.p.216, 11.p.112]. When Muhammad (pbuh) sent this companion to Yemen as a judge, he asked, "What do you say about Mu'adh?" Mu'adh replied, "I will judge by the Book of Allah." "Do not you find the answer?" The Prophet, may Allah bless him and grant him peace. "By the Sunnah of the Messenger of Allah," Mu'adh said. The Prophet (peace be upon him) asked, "Can not you find from it?" He replied, "I will do it *ijtihad* with my own opinion". The Prophet (peace and blessings of Allaah be upon him) confirmed this answer. Until that time, he used to teach the Companions an example of *ijtihad*. For example, if a child is required to perform Hajj for his old-age father, he replies, "If your father is in debt, will you pay his debt?". When he received an affirmation, he added, "It is even more necessary to pay Allah's debt" [2, 4.p.34.]. With this example, the Prophet (peace be upon him)

introduced the criterion of comparison, which is the source of fiqh sources. *Ijtihad* was carried out by the Companions after the death of the Prophet, may Allah bless him and grant him peace. For example, the Khaleefah Abu Bakr Siddiq (may Allaah be pleased with her) (568-634) has the right to decide on a matter, initially, if he finds the answer to the Holy Quran and if he finds no answer, he will go to the sunnat and make the judgments based on the Sunnah. If they did not find the answer in the Sunnah, they asked if one of the Companions saw how they had condemned the Messenger of Allah (peace be upon him). If they could not answer one person, they would gather many companions and make decisions based on their opinion. This method of ruling on jurisprudence laid the foundations for *ijma*, which is one of the fundamentals of jurisprudence. In the sources of Islamic knowledge as the basis of the sources of fiqh and the letter sent by 'Umar ibn al-Khattab (d.644) to Abu Musa al-Ash'ari (d.665), Ibn Mas'ud (d 652) The *ijtihad* of the authority of "mahr misli" and other examples are also mentioned. However, the focus of the issue is that the sources of the Muslim right are in the hearts and minds of the faqihs of the Companions of the Sahabah, even though they have practically resigned from them, even though they have not been printed as any written works. Only after the Sahabah, Mujtahid Imams set out the sources

of Muslim right to make laws based on legal issues. In order to accomplish this goal, they resorted to the help of Arabic scholars. As a result, this knowledge was brought to a perfectly justified, written form of books and a form of own network.

As a source of knowledge of fiqh, the Koran, the Sunnah of the Prophet (peace and blessings of Allaah be upon him), ijmaa and qiyas are recognized. There are also some principles that are called *istisloh*, *istehson*, and *istinbot*, and they are auxiliary sources. The first four sources mentioned above are definitely recognized by all the *madhhabs*, and the later ones are used in some *madhhabs* and not used in others. Therefore, all *Madhhabs* have their own works devoted to their fiqh sources.

The earliest work of the methodology of Usul is the book of *Kitab ar-Ra'y* (The Book of Rejection), devoted to the explanation of the "*istinbat*" ways of Abu Hanifa Nu'man bin Sabit (699-767). The next major work was written by Muhammad ibn Idris al-Shaafi'i (767-820) and the latter belongs to the book of "*Ma'huz al-Sharai*" (Shari'ah Fundamentals), by Abu Mansur al-Motrudī. Abu al-Hasan, Ubaydullah ibn al-Husayn al-Karhi (874-952), Abu Bakr Ahmad ibn Ali al-Jassas al-Razi (916-981), Fakhrulislam al-Bazd'w? (d.1089) and Shams al-Aimma As-Sarahsi (d. 1047) also created works in this field [3.p.3].

In general, works devoted to fiqh sources can be divided into three

categories. The first category includes works that investigate the sources of fiqh and the need to use them in the development of certain legal norms. "*Al-Burkhon*" (documents) by Abdumalik al-Juvayni, Fahriddin Ar-Rahman (al-Burhan), "*Al-Mustafa min ilm al-usul*" (Special chosen sources) by Abu Hamid Al-Ghazali (d.111), "*Al-maxsul fi-l-usul*" (The results of sources) by Fahriddin ar-Roziy (d.1209), "*Al-Ihkam fi Usul al-Ahkam*" (The exactness of decisional sources) by Sayfuddin al-Amidiy (d.1233), "*Minhaj al-Vusul min IIm-al-Usul*" (Reaching to Fiqh Knowledge Sources) by Abdulloh ibn Umar al-Bayzaviy can also be included to this category.

The second category books are "*al-Usul*" (Sources) by Abu Zayd al-Ubaydullah al-Dabbusi (d.1038), "*Al-Usul*" (Sources) by Ali ibn Muhammad al-Bazd'w? (d.1089), "*Al-Manor*" (The Flag) by Abdulloh ibn Ahmad an-Nasaviy. The works of the third group comprise the methods used in their works in these two types of works. They are "*Tanqih al-Usul*" (Clarifying the sources of fiqh sources) by Ubaydulloh ibn Ma'sud (d. 1346), "*Ja'mi al-Javami*" (Sum of collections) by Tojiddin Abdurahob ibn Ali as-Subikiy (d.1369), "*At-Tahrir*" (The editing) by Muhammad ibn Abdulvohid ibn al-Humam (d.1456) [10.p.246].

Methodology of al-fiqh is not only about the sources of Islamic law, but also as a general theory and method of Muslim jurisprudence. On

the other hand, this knowledge can be called a link between knowledge of the Kalam and the practical law.

It is acknowledged that the medieval cultural uprising in Movarounnahr was a significant contribution to the development of world culture. During this period, many scientists who have lived and worked in our country have left a rich scientific heritage. Indeed, the development of science and culture at that time was directly related to the Islamic religion. Therefore, all scholars, including Islamic scholars, at that time, contributed to the formation and establishment of historical, spiritual and legal education in our region.

The methodology of *usul al-fiqh* is of great importance for our historical science, as in the field of science, as well as in the fields of science, medieval scholars also took the leading place among the scholars of the Ferghana Fiqh school. Abu Bakr ibn Masud ibn Ahmad Alouddin malik al-ulam al-Kasaniy (d.1191) was a famous scholar in *Usul al-Fiqh*. "Tuhfat al-fuqaho" (The gifts of Faqihs) and "Al-Badoe" were written by him. Alouddin as-Samarqandiy (d.XII century), Abu Yusr Al-Pazdaviy, Majd al-Aimma as-Sarahsiy and other famous scholars were his teachers. "Sulton al-Mubin fi Usul ad-Din" by Abu Bakr ibn Masud ibn Ahmad Alouddin malik al-ulam al-Kasaniy was famous in the field of *Usul al-Fiqh*. The scientist's academic activity was highly effective and he was also a teacher for a number of students.

His son Mahmud al-Kananiy and Ahmad al-Gaznaviy were well-known students of his. Alouddin al-Kasaniy and his wife Fotima bint Alouddin as-Samarqandiu were buried near Halab in Syria [13.p.66].

Hasan ibn Mansur ibn Mahmud Fahuiddin Qozikhon al-Uzgandi (d.1197) is considered as one of the great representatives of the Ferghana fiqh school. He was one of the mujtahids, who has reached a prominent position among the scholars of Movarounnahr in studying the meaning of fiqh. His teacher was his grandfather called Mahmud ibn Abdulaziz al-Uzgandi and Zahiruddin al-Hasan ibn Ali al-Margiloni and Burhonuddin al-Kabir Abulaziz ibn Umar ibn Maaza. His scientific heritages are "al-fatava" (fatwas), "al-Voqiot" (Occurance), "Sharh al-Ziyadat" (Comments of extra things), "Sharh al-Jome al-Sagir" (The comments of short collection), "Sharh adab al-qado" (Commentary on the Words of Judgment), This saint is one of the mujtahids at the level of jurisprudence [13p,78]. His students were Jamoluddin Abu al-Mahomid Mahmud al-Husayri, Shamsulaimma Muhammad al-Kardariy, Najmulaimma va Najmuddin who had reached the highest levels in Fiqh.

Abu Abdullah Muhammad ibn al-Hasan ibn Muhammad Burhonuddin al-Kassani (XII century) is described as one of the leading scholars of contemporary Ferghana Fiqh school in the *fur* and *usul* of fiqh science and

one of the famous muhaddis. He was educated by such scholars as Najmuddin Omar An-Nasafi, Sadrulislam Abu Yusr Al-Pazdawi. And he was teacher for the famous scholars such as Al-Ashraf ibn Najib ibn Muhammad Abu al-Fadl Al-Kassani, Shamsulaimma Muhammad ibn Abd al-Karim al-Turkestani who had reached high grades in fiqh. It is also mentioned in the sources that this man was also a member of the Samarkand tribe except al-Kassan. Perhaps, the native land was in the Fergana valley, and it is often evident that he lived in Samarkand, a scientific center of his time. There is no information on the scientific heritage of the scientist [13, p.198].

The findings of the Fergana fiqh school scholars on the foundations of the science of fiqh are still being studied. New finds from manuscripts and biobibliographical findings suggest that the school's representatives are productive.

In conclusion, the study of the scientific heritage of the scholars of the Fergana Fiqh school is crucial in the development of various aspects of science in the cities of Fergana valley along with the scientific centers of the Samarkand, Bukhara, Nasaf and Khorezm oasis in Maverannahr, as well as in the study of the socio-cultural status of the region in the Middle Ages. Indeed, the tradition and historical traditions of each region are the basis for the development of Islamic sciences and their unique characteristics. Therefore, the role of scholars of the Fergana School of Fiqh in the development of the fundamentals of jurisprudence and the study of the peculiarities of this school in this area not only cover the history of the development, but also to study the regional aspects of the medieval historical processes in the Fergana valley.

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