

THE IMPORTANCE OF FIQH RULES IN ISLAMIC CIVIL LAW

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Abstract

This article examines the significance, development and role of fiqh rules in the system of Islamic civil law, as well as their place in regulating legal relations. The works of outstanding legal scholars who substantiated and systematized fiqh rules are examined. The significance of customary law in fiqh rules is considered, and a comparative analysis of fiqh rules with modern procedural legislation is conducted.

Keywords: Islamic civil law, jurist, fiqh rule, fundamental rule, science of disagreement, customary law

Introduction

It is the honorable duty of each of us to preserve and appreciate our sacred religion, which embodies our long-standing values and moral qualities. Islam means understanding the truth, it encourages humanity to do good deeds, encourages each of us to do good and be at peace, teaches us to be a real person [2:30].

During today's rapidly changing era of globalization, there have been cases of various conspiracies and subversions by misinterpreting the essence of the sacred religion of Islam, falsifying them. "Islam only encourages the life of light, the enlightenment, the good. Never calls for treason, murder, violence. Without acknowledging this fact, being deceived by false ideas and getting into harmful currents, being a terrorist – it absolutely does not suit the people of Uzbekistan." The issue of maintaining the purity of our religion in such a situation, communicating its true essence of peace and humanity to the population, especially young people, researching and promoting the rich religious and spiritual heritage of our people, thereby protecting young people from the influence of various religious extremist currents is one of the important tasks of our day.

Methods

In this article, methods of systematic, historical, comparative-analytical and logical analysis style were used. The information was taken from articles and books of the laws of the Republic of Uzbekistan, Uzbek, Russian, English scientists.

Results

Islam at the same time embodies both religious and secular power, the only book defining faith, habits and even law, and the firm will of the creator is also expressed in the only book.

Islam is an independent legal culture, which is expressed not only as a belief, but also in various spheres of social life, including regulating various relations in society. This legal culture is one of the great achievements of human development and is an integral part of the world legal map.

It is known that Islamic law developed in the Sunni current under rules originally developed by the four main sects, namely the Hanafi, Shafei, Hanbali and most Faqih in the Maliki sect. But over time, it was difficult to determine the correct and truthful rule from various judgments belonging to one or another sect, even for influential veterans and Muftis. In such conditions, the development of general theoretical foundations of Islamic law has become an important issue. As a result, the general provisions of the legal order, that is, the specific "General part" of Islamic law, arose and enriched its component. Many of these general rules are those created by the mujtahideen, having studied all the sources of Islamic law and the process of using practice from them. In other words, if at first the ulamas sought to direct the religious-moral concepts of the Qur'an and Sunnah to rules of legal appearance, then later they formed the general provisions of this legal system using fatwas in order to further improve the viability of Islamic law. The sole purpose of this was to better understand the norms of Islamic law and, most importantly, to clarify the exact judgment from within the many rules for solving a particular case. Therefore, these rules were common to all reviews. The moment of their emergence is the most relevant period in the theoretical and practical development of Islamic law. From this time, serious changes in its structure arose, that is, they began to occupy an important place in the system of Islamic law. Articles 2-100 of the "Majallai ahkomi adliya", a legal document with a European form of code, incorporating the norms of Islamic civil law adopted in the Ottoman Empire in the 19th century, are also devoted to fiqh rules [3:33].

Fiqh rules come mainly from fiqhiy sources. Accordingly, some fiqh rules arose from the Quran karim and hadisi sharif, some on the basis of community and mental istidlol (proof). Some fiqh rules are formed by the rules of the method [4:14].

The Faqihs And have come over a long period of time, attaching importance to the fiqh rules and trying to define them. From historical sources it is known that the people of sunna faqih have taken their first steps in this area. The first recorded use of Hanafi was by the Iraqi faqih Abu Tahir Dabbos (4th century AH) and later by Abdullah ibn Husayn ibn Dallol Karkhiy (340th years of AH) who wrote works in this field. Abu Tohir Dabbos considers fiqh rules in the Hanafi sect to be 17. In contrast, Abdullah ibn Husayn ibn Dallol Karkhi brings the fiqh rule to 73 in his famous work "Usulul Karkhi". Abu Zayd Ubaydullo ibn Umar ibn Isa al-Qazi ad-Dabusiy (978-1039), another major faqih scholar who founded and regulated Fiqhiy rules, was a potential representative of the Hanafi sect, one of the seven prominent qazi of Bukhara. In his work on the science of the caliph, "the founder nazar", he establishes and regulates the discord among the imams regarding fiqh issues based on 84 fiqhiy (general) rules [7:12].

The first recorded mention of the shofei sect was by Az ibn Abdussalom (660th years of AH) wrote a book on fiqh rules, "Qavoidul hukkom fi masalihil an'om" ("the rules of the qazi in

the interests of men"). In the case of the Maliki sect, the Qaraḥī (684th years of AH) by Al-furuq ("differences"), as well as Sidqiy (756th years of AH) by Attoj.

Representatives of the hanbaliy sect in this field were Ibni Rajab Hanbaliy (795th years of AH) Wrote" Al-qavoidi fiqhiya "("the Fiqh rules") [10:12].

For the first time on Shia sect, a book on fiqh rules was written by Muhammad ibn Makkiy in the qamari year of 786 Ah, entitled "Al-qavoidi and favoid" ("rules and benefits") [6:15].

For the first time, a person who divided and expanded fiqh rules into classifications and wrote a separate large book dedicated to them was Jalaliddin Abdurahman as - Suyuti (1445-1505), a great scholar of the shofei sect. He was a major scholar in a variety of subjects, and travelled to all arab countries and India, taking classes in many places. From the age of 40, he was engaged in interpretation and classification (book writing). Tafsir authored about 600 works on Hadith, fiqh, history and Arabic. Prominent among them is "al-Ashboh van--nazoir", a work devoted to fiqh rules. In this work, the author cites the idea that all Fiqh rules come from the five rules. These are the following Fiqh rules:

1. Things are on purpose.
2. What is clear is not canceled with suspicion.
3. Painstaking brings relief.
4. Damage is eliminated.
5. Source of custom.

Another great faqih was Zainuddin ibn Nujaym (year 1562), who wrote a work on Fiqh rules. He was a major Faqih of the Hanafi sect and wrote a number of scholarly works [11:150]. Zainuddin ibn Nujaym also studied the works of Abu Zayd Dabusiy and Jaloliddin as-Suyuti, on which he wrote his book "Al-Ashboh van-nazoir". In this work he collected and expanded the fiqh rules on the Hanafi sect. Also, ibn Nujaym also adopted the classification of fiqh rules worked by Jalaliddin as Suyuti. The "commentaries of Majallai ahkomi Justice" states that the second part of the "Majalla" preface (i.e., articles 2-100) consists of the fiqh precepts collected by the Faqih who followed in his footsteps with Ibn Nujaym [12:11].

In «Majallai ahkomi Justice», several of the aks fiqh rules are devoted to customary law. It is known that legal custom is the rules of walking standing, which were formed as a result of being in force for a long period and are recognized by the state as a universal rule. Not every custom can become a legal custom, but only a legal custom that can meet the interests of a particular group, class or society as a whole and is sanctioned by the state. Custom was the main source of law regulating social relations in the early stages of the development of human society.

In the system of sources of law, the legal custom has acquired different significance in different families of the world legal map. Even today it is of great importance in the legal system of a number of foreign countries.

The local custom is recognized in Islamic law as universal rules that apply in a particular area, such as the role played by European jurists in their practice [14:38]. The custom often creates relief from what is prohibited and not allowed when it is necessary.

The fiqh rule of contents, which is reflected in the "Majallai ahkomi Justice", which states that "with the change of times, the change of judgments is also undeniable", refers primarily to laws based on custom. This fiqh rule was of particular importance for the development of Islamic law. Because, in the Quran and in the Sunnah, issues that have not been judged have been judged through the Ijtihad of the Faqih. In general, these basic norms of Islamic law were considered by scientists to be strict, unchanging and suitable for all life situations. But there are some exceptions to this attitude, those who have issued fatwas for emergency random cases. They are based on customs, and at the same time the custom itself is allowed to be changed. Such an approach was of positive importance for the theory and practice of Islamic law, giving zero faqihs the opportunity to move away from a certain rule and create a new rule of holiness, to develop Islamic law without leaving the framework of the Qur'an and the Sunna [3:23].

Influenced by the fiqh rules reflected in the "Majallai ahkomi Justice", a work entitled "Qavoidi fiqhiya" ("Fiqh rules") was written by Moses Jorullah Begiev in Kazan, 1904. This work brought the number of fiqh rules to 201 and provided extensive commentary and examples to explain the content.

Debate

The importance of fiqh rules is that for many years, qazi could use only specific judgments from sectarian imams when they ruled on a case, and they themselves did not have the right to make independent judgments, but fiqhian rules give them a somewhat wider authority, that is, they were able to bring the Fiqh rule from the Quran, the Sunna or the imams as a criterion. That being said, they are Islamic principles that can be applied to hundreds of issues, rather than a clear judgment on one issue.

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