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THE CONCEPT AND SOURCES OF THE SCIENCE OF FIQH

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ABSTRACT

In this state, in order not to allow young people to fall under the influence of various foreign technologies, attention is paid to the issue of education and the true nature of Islamic religion, and also to the Koran, Sunnah, Idjma and Qiyas, which are considered to be the basic elements of Islamic law, the production of which is based on the field of furul-fiqh. Islamic law.

KEYWORDS

Legal source, jurisprudence, Holy Qur'an, sunnah, consensus, qiyas, jurist, mujtahid, authority.

INTRODUCTION

It is the honorable duty of each of us to preserve and cherish our sacred religion, which embodies our age-old values and moral virtues. Islam means understanding the truth, it encourages people to do good deeds, calls each of us to goodness and peace, teaches to be a real person [1, p. 30]. In today's rapidly changing era of globalization, there are cases of misrepresentation of the essence of the holy religion of Islam, various conspiracies and corruptions by falsifying them. "Islam encourages only a bright life, knowledge and goodness. Never calls for bloodshed, murder, violence. Without recognizing this fact, being deceived by false ideas, joining harmful currents,

becoming a terrorist - this is absolutely not true for the people of Uzbekistan." In such a situation, it is important to preserve the purity of our religion, convey its true essence of peace and humanity to the population, especially the youth, conduct research and promote the study of the rich religious and spiritual heritage of our people, and in this way, protect the youth from various religious extremists. protection from currents is one of the important tasks of our day.

From the time Islam spread in the territory of Uzbekistan, and the local population became the only religion, until it was conquered by Tsarist Russia, legal relations were regulated by the norms of Islamic law.

For this reason, it is impossible to imagine the legal history of the state of Uzbekistan without thoroughly studying the nature of Islamic law as a separate legal system, its sources, stages of development.

As one of the world religions, Islam has been an integral part of the spiritual outlook of many peoples for centuries. The fact that religion, including Islam, has been stable for thousands of years indicates that it has left a deep mark on human nature and that it fulfills a number of unique tasks. The peculiarity of Islam is that it embodies both religious and secular power at the same time, a single book that defines faith, customs and even law, as well as the firm will of the creator, expressed in a single book. Islam is not only a religion, but it is an independent legal culture that is expressed 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.

One of the sciences of Sharia was - the science of jurisprudence in its essence is Islamic law in a broad sense. According to sources, "the science of jurisprudence is the complete knowledge of one's rights and duties as a member of society" [2, 3-b]. Here society when said family, city, or state mean caught. So, this one to the definition according to of a person in the family marriage and family to the right about, citizenship to work relevant as well as administrative legal relationships deep to know jurisprudence of science basis organize to say that it does can. "If someone has skill and experience in this science and marriage, divorce, trade, rent, gift and another to relationships circle to knowledge have if so, that person is called a jurist" [4, 4-b]. In order to become a "faqih", that is, a scholar of jurisprudence, it is not enough to simply and superficially know and memorize the rulings of Sharia, but it is necessary to know all the

reasons and wisdom of these rulings and to understand the foundations of Sharia. Therefore, a person who knows the rules of Sharia in a simple way is not called a jurist, even if he is called a scholar. Fiqh scholars say that there is a difference between science and jurisprudence that not everyone understands. That is, science is used in a general sense, and jurisprudence is used in a specific sense. Therefore, every jurist is a scholar, but not every scholar is a jurist [9]. In fiqh books, it is said from Imam Abu Hanifa that "the science of jurisprudence is knowing what is beneficial and harmful to a person" [9]. According to this definition, the scope of jurisprudence is very wide. Since the science of jurisprudence is an endless sea, according to the verse in the Holy Qur'an: "Let a group of people from each of their sects return to them, understand the religion well, and warn their people" It is pointed out that it is not possible to learn, but it is necessary to learn it step by step, one by one within a certain period of time, and it can be achieved with great effort, as well as the fact that the study of this science consists of effort and hard work [9]. It is known that the first source of Islamic law is the Holy Qur'an. He is religious as a legal complex has a strong influence on the fate of a large part of humanity [5, p. 15]. The legal system is reflected in the Qur'an, which is a comprehensive holy, divine book that closely intertwines religious and legal matters. The second source is the Sunnah, that is, the words, deeds and interpretations of the Prophet Muhammad (peace be upon him). The third source is ijma', which refers to the unanimous acceptance of a matter by scholars who lived at the same time and reached the level of ijthad.

The fourth source is called qiyas, and it is ruling by comparing an issue for which there is no ruling to something similar to this issue in the Qur'an and Hadith, and there is a ruling for it. "For example, if a mujtahid is asked for a Shariah ruling on a matter, he

first looks for an answer from the Holy Qur'an, and when he finds it, he makes a ruling based on it. If he doesn't find it, then he turns to the Sunnah Nabawiyah. If it is not found, then after the death of the Prophet, after the death of the Prophet, if the mujtahids came to a unanimous opinion on that question, they will issue a verdict with that answer. If there was no such consensus, the mujtahid should approach the answers given in Shari'ah on a scientific basis in connection with cases similar to this case by means of comparison to issue a shari'i ruling of the case, and make a comprehensive comparison. will find the answer using his knowledge. The authenticity of these four main sources and their coming in this order is evidenced by Surah Nisa, verse 59 of the Holy Qur'an: that is, "O you who believe, obey Allah and obey the Prophet and from yourselves (i.e. obey the leaders who come from the Muslims). If you cannot agree on the answer to a matter, then refer that matter to Allah and His Messenger. If you have faith in Allah and the Day of Resurrection, it is the best and most auspicious thing to do." In this verse, "obedience to Allah" should be understood as following the Qur'an. Obedience to the Messenger means following the Sunnah; When it is said to obey your superiors (ulul amr), it is understood to follow the scholars. Hazrat Abbas interpreted Ulul Amr to scholars. But it means to compare the matter on which one cannot agree with Allah and the judgments of His Messenger, that is, to compare" [6, 13-b] .

The science of jurisprudence did not appear with the birth of Islam, but was fully formed by the 10th century. The methodology of jurisprudence began to take shape in the first half of the 7th -9th centuries. During this period, two of his schools emerged: one of them was "ahle hadith", that is, those who pay more attention to hadiths and verses, and "ahle ray", that is,

judgments through opinions and comparisons other than hadiths and verses. was a school of makers.

The supporters of "Ahli Ray" are mainly in Iraq, and its founder Abu Hanifa is known . Abu Hanifa Nu'man bin Thabit, who lived in 669-767, was an unprecedented great figure in the history of Islamic jurisprudence. It 's the same no jurist , Islam scholars between the most mature from scientists was [7, p. 21] . Imam Abu Hanifa basis put Hanafi sect Kufa city – Iraq land in the center surface come for a while inside islam of the world many p in countries scattered developed and of Muslims big part to himself attraction arrived , people Sunna shaft of the team the most big and wide spread out sect turned [8, p. 151] . of Abu Hanifa the most great students Imam Abu Yusuf and Imam Muhammad Ibn Hasan ash - Shaibani was __ Theirs wrote works and activities as a result Hanafism wide spread _

Imam Abu Yusuf (113 - 182 hy .) of Abu Hanifa famous student , great jurist and mujtahid, Abbasids of the state judge u l - cuzzoti was [8, p. 156] . His famous works are the following : « Book ul - khiroj " , " Book ul - osor " , " ar - Denied hello Siyaril - Avza'iy " and " Abu Hanifa and Ibn Abi Laila between conflicts " [8, p. 161] .

Imam Muhammad ibn Hasan al - Shaybani Abu Hanifah second famous and progress _ student was _ His important His works were called "Al - Usul " or " Zahirur - Rivaya " . six jurisprudence work from the following _ consists of : "al - Mabsut " , " az - Ziyadot " , "al - Jami 'as - saghiyr " , "al - Jami ' al - kabiyir " , "as - Siyarus" - sagiyr " , "as - Siyarul - kabir " . Hokimush bought -the books " Zahirur - Rivaya " . Martyr named al - Kafi in the book collected _ [8, 162-163 b] . In the 11th century , Muhammad ibn Ahmad al - Sarakhsi added to this collection in 30 volumes comment wrote _ Later on this the work " Majalla" . basis organize reached [10, 11-b] .

“Ahl al-Hadith” was Abdullah bin Abdurahman As-Samarkandi ad-Dorimi (798-869), a scholar from Samarkand who lived in the 9th century. He revealed the issues of fiqh in his unique style in his work “Sunan”. He divided the work into jurisprudential chapters and included jurisprudential issues and rulings in the titles of these chapters. In the work, 3503 hadiths of the Prophet Muhammad (pbuh) are presented in a total of 1306 chapters, introduction and 23 books. The difference of "Sunan" from other jurisprudential works is that the author was satisfied with collecting hadiths related to jurisprudential issues and giving his ijtiḥad opinions without commenting on them [11].

The science of jurisprudence is divided into two main parts: *usulul-fiqh* and *furu'ul-fiqh*. *Usul al-fiqh* is learning the rules that determine the ways of deriving rulings from the main sources. *Furu'ul-fiqh* is a complex of legal rulings extracted from the main sources through the rules and methods specified in *usulul-fiqh*, and constitutes branches or fields of the science of fiqh [8, 53-b]. According to the sources, the branches of jurisprudence are:

1. Munakahot, that is, as a family member, a person is considered to have rights and duties, and this includes issues of marriage, divorce, consent, pension, inheritance and will.
2. Trade is the knowledge of rights and duties as a member of a city or state, and includes issues such as wealth (trade), rent, guarantee, bond, deposit, gift, partnership.
3. The part of Uqubot is the laws established in order to implement the laws of treatment and munakhahot and to prevent their violation [4, 5-b].

First, fiqh was mentioned in Muhammad ibn Shaybani's work "al Mabsut". It was also called "al-

Asl", that is, the main book. Due to the great importance of this work, using its style, many jurists from Central Asia wrote multi-volume books with this name [8, p. 163]. In particular, Sarakhsi's work "al-Mabsut". Sarakhsi is considered one of the great scholars of Movaraunnahr who mastered method and *furu* [8, p. 256]. His book "al-Mabsut" written in 15 volumes is an important work written on *furu'ul fiqh*. This work was written in Beirut in 2001 in the order of 30 books (volume 15), and issues related to civil affairs are reflected in various books. For example, trade issues are covered in book 12, gift, lease issues in book 14, guarantee, authority books in book 19, pledge, company issues in book 21, usurpation book in book 22. When a topic is covered in the books, first the dictionary translation and meaning of the words related to that field are explained. Then he gives proofs from the Holy Qur'an and hadiths that it is Shariah. For example, as defined in the "Authority book" published in volume 10, book 19, "Authority is the transfer of the right of disposal to another and the giving of some property to someone for its disposal. People often need such a contract, for example, when they go on a trip, they are powerless to protect their goods, and because of the abundance of goods, their distance from those goods, and the fact that they are not busy with those goods, they give to another person. will be obliged to hand over with authority" [12, 4-b] it is said. Then the following verses are cited as proof that this contract is legal: In the 19th verse of Surah Kahf, it is said, "Now send one of you to the city with this money of yours", according to which a person is given money and authorized to buy a certain thing, it is implied that it is pointed out. In verse 220 of Surah Al-Baqara, "They will ask you about orphans (rights). Say: It is good to reform them. If you add (to your goods) their goods (there is no harm), they are (indeed) your brothers. Allah knows the (difference) between a corrupter and a reformer" and also in verse 152 of

Surah An'am, "Do not approach the property of an orphan until he reaches adulthood, except in a beautiful way (if it is correct). It is said that the measure and the scales should be filled with justice" and these verses are interpreted in the book of authority, they are given as evidence for obtaining the authority to dispose of the property of orphans, through them it is shown in detail how this type of authority is regulated. In addition, after providing evidence from hadiths that authority is shari'a, how legal relations related to authority are regulated in Islamic law will be described.

"Tuhfat al-fuqaha" by the jurist Alauddin al-Samarkandi, who lived and created in the first half of the 12th century, is one of the works written on jurisprudence. Alauddin al-Samarkandi takes a unique approach to solving jurisprudential issues in his work, that is, he is one of the first to create collections of fatwas of previous and contemporary jurists. According to the tradition of that time, the author, when solving jurisprudential issues, first shows those related to prayer, and then to the parts of treatment. In the work, Alauddin Samarkandi compares Hanafia theories with the opinions and evidences available in the sources in solving each issue. He solves the conflicting issue from the point of view of Hanafi, and when solving an issue, after evidence from the verses and hadiths, the opinions and arguments of the mujtahids who are the masters of the school are stated. According to the content of the work "Tuhfat al-fuqaha", it mainly served as a guide for jurists, judges, and mudarris. It is dedicated to the current problems and issues in the field of jurisprudence and society. This work was the stylistic basis of Burhoniddin Marginani's Hidayah, written in the second half of the 12th century.

our great compatriot Burhoniddin Marginani (1123-1197) is also an important work written on furu'ul-fiqh. Marginani's immortal legacy, especially the book called

Hidayah - The Right Way, has been recognized as the most authoritative and perfect legal source in Muslim countries for centuries. "This work, as the most important and perfect legal source of the Hanafi sect in the Sunni stream, consists of 57 books, 165 chapters, and 152 chapters, and covers all areas of jurisprudence, except the law of inheritance. The reason why Burkhanniddin Marginani did not include the right of inheritance is that Imam Azam Abu Hanifa separated the problems of inheritance from the science of jurisprudence as an independent science and called it the "science of fariz" [13, p. 24].

When writing the book "Hidayah", Burhoniddin Marginani faced the difficult task of studying hundreds of legal collections and fatwas written by different authors and finding answers to existing legal problems based on them. They contained thousands of issues, dozens of opinions on some specific problems, and even conflicting theories. He selected the most vital and necessary narratives from them, proved their correctness with intellectual arguments, strengthened them with metaphorical arguments, penetrated deeply into the text and content of classical works, and defined their legal works [13, 17- p].

Burhoniddin Marginani created a unique and irreversible style in writing the book "Hidayah". In the book "Hidayah" the solution of legal issues is given first by the statement of major scholars of jurisprudence and the objections or additions of other authors to it. Based on the opinions of these eminent jurists, the way of choosing the best way in certain legal issues was followed. In this way, not only the exact expression of the law, but its perfect interpretation is based on it [13, 20 - b].

Hidayah is the most reliable source for studying the teachings of the Hanafi sect, the legal culture of the East, and the history of jurisprudence.

By the 16th century in India, on the order of Aurangzeb Alamgir, the great jurists of his time were called to compile the laws on various issues of Hanafi jurisprudence. They left the work "Fatavoyi Alamgiri" or "Fatavoyi Hindiya". Written in Arabic under the special instructions and orders of Aurangzeb, this source, known as "Al-Fatovo al-Hindiya", was written with the participation of a scientific panel consisting of 24 famous jurists of the Babur era, and jurisprudence was organized in a classical style. "Fatavoy Alamgiri" consists of four volumes and contains three and a half thousand pages. It is written on the basis of the most important and authoritative jurisprudential works and fatawas, and the requirements of the time and the requirements of the era are considered. It covered all areas of Islamic law and was called "al-Faroiz" by Abu Hanifa, and the issues of inheritance, separated as an independent science, are given in detail under the title "Kitab-ul-Faroiz" at the end of the fourth volume. Fatawa consists of 58 books, each book is divided into different chapters and chapters. The number of chapters reaches 700. Each chapter provides solutions to legal problems related to a specific area. A unique feature of the work is that, based on the vital needs and demands of the Indian Muslim community, great attention is paid to practical life in various fields [3]. Some scholars have described this work as "the legal code of the Baburi state". But this is conditional and is not considered a source codified according to the European style.

CONCLUSION

In conclusion, we can say that the norms of Islamic law, which were created on the basis of the main sources of Islamic law, do not consist of fixed and immutable rules, but have developed over the centuries in accordance with their time, and with their own characteristics, they have been adapted to the

problems arising from the needs of the times in different periods. able to respond.

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