

Political and Legal Position of Religious Uleam In the Bukhara Emirate

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Abstract: This article analyzes, on the basis of historical sources, the role of the religious class within the system of state governance, its influence on political processes, and its position in the legal structure of the Bukhara Emirate. The study examines the interaction between religious institutions and political authorities, their function in ensuring political legitimacy, and their significance within the Sharia-based judicial system. Furthermore, the research explores the participation of the religious elite in social life, their role in maintaining social stability, and their institutional status within the state system. The findings indicate that religious institutions constitute an integral component of the Emirate's political and legal order.

Keywords: Bukhara Emirate, religious class, religious scholars, Qazikalon, Sharia, political authority, legal system.

Introduction: During the years of independence, our country has gradually shaped its development path, implementing fundamental reforms in all spheres of state and social life. In particular, the issue of ensuring the independence of the judiciary and its further development has become one of the priority areas of state policy. Today, in the conditions of sharp changes in the world market situation and the acceleration of globalization processes, further improvement of the judicial system, ensuring true independence of the judiciary, and increasing the legal culture of the population are becoming a vital necessity. The Decree of the President of the Republic of Uzbekistan Sh.M. Mirziyoyev No. PF-4850 "On measures to further reform the judicial system, strengthen guarantees for reliable protection of citizens' rights and freedoms" adopted on October 21, 2016 created an important legal basis for strengthening the independence of judges and ensuring in practice the principle of their submission only to the law. Also, the Decree "On the Strategy of Actions for the Further Development of the Republic of Uzbekistan" and the Strategy of Actions in five priority areas for 2017–2021 set out specific measures aimed at democratizing the judicial system, increasing the authority of the judiciary, and strengthening the independence of judges. Large-scale

reforms implemented in the judicial system in recent years serve to ensure human rights and freedoms, strengthen the principles of justice, and establish the rule of law. These processes once again demonstrate that human interests are paramount in the politics of our country. Historically, the role of the judiciary in state administration also gained importance during the Bukhara Emirate. In particular, during the reign of the Mangid dynasty in the period from 1756 to 1920, the judicial system functioned as an integral part of state administration [2, C.450]. In the governance system of the Bukhara Emirate, the institution of the qazi and the judicial bodies were formed as an important institutional structure, which operated on the basis of the principles of Islamic law - Sharia. During this period, the judicial system appeared not only as a means of administering justice, but also as a mechanism ensuring the inextricable link between religious ideology and political power. Qazis, muftis and other religious jurists, along with conducting court cases, acted as an important social stratum in maintaining moral norms and religious discipline in society.

During the years of independence, special attention has been paid to the in-depth study of the history of our national statehood, the scientific study of the heritage of our ancestors, and the coverage of the rich scientific

and creative activities of our statesmen and thinkers. This, in turn, contributes to the understanding of national identity, the restoration of historical memory, and the consistent development of the traditions of legal statehood.

LITERATURE REVIEW AND METHODOLOGY

The issue of studying the period of the Bukhara Emirate objectively and scientifically has become one of the important directions in historiography in recent years. In studying this period, Russian, Western and local scholars have conducted research combining historical, legal and sociological approaches. These studies serve to shed light on the specific aspects of the political structure of the emirate, the position of the religious elite, and the judicial system. In particular, the work of N. V. Khanykov "Description of the Bukhara Khanate", published in 1843, describes in detail the administrative and judicial system of the Bukhara Emirate [3]. The author notes that although the judges relied on the norms of Sharia in making decisions, direct instructions from the emir's authority also played an important role. This means that, despite the theoretical independence of the institution of the qazi, in practice it was not completely free from the influence of political power. The relationship between political power and religious elites in Central Asia has also been deeply analyzed by A. von Kügelgen. His monograph "The Legitimization of the Central Asian Mangit Dynasty in the Works of Their Historians" (2004) sheds light on the religious-legitimistic policy of the Mangit dynasty [4]. The study analyzes, in particular, the strategy of strengthening power through religious foundations during the reign of Amir Shahmurad, and interprets the fatwas issued by muftis and qazis as a means of ensuring political legitimacy. Klichev O.'s article "Scholarships of Emirs of Bukhara" (2020) examines the policy of financial support for religious scholars by emirs [6]. The author evaluates this process as one of the mechanisms for integrating scholars into the state governance system. Local historiography also pays special attention to this issue. The work "History of Uzbek Statehood" (Book II, 2009) by Boboyev H. and Khidirov Z. covers the changes in the state and judicial system during the reign of Amir Shahmurad [3]. Z. Muqimov's historical-biographical collection "The Owners of the Sword and the Pen" (1997) analyzes Shahmurad's personality and his activities as a reformer [10]. These sources show the inextricable connection between the religious elite and the political system. A. Kholiqulov's (2022) "Bukhara in the emirate official reception ceremonies about separate The article "Reflections" provides information about the participation of religious representatives in official ceremonies and diplomatic receptions and their

position in political life [18]. The judicial system of the Bukhara emirate was formed in a similar way to the system of other khanates in Central Asia, and was based on the rules of Sharia as the main criterion. Judges and scholars were appointed by the emir, and the activities of the judiciary were managed by the qazi kalon [9, C.27]. Although the judicial system operated within the administrative apparatus, it was under the control of jurists. The qazi court in the emirate was headed by the qazi ul-quzzat, and it included mirzas and officials [19, C.58]. The mirzas were engaged in administrative work, and the officials carried out investigative work [19, C.58]. The ulema office acted as an advisory body to the qazi activity. According to sources, it had 12 members. There was a council consisting of a mufti [16, C.17]. Local qazi offices were established in the bekliks, which were also headed by qazis appointed by the emir. The mufti and officials worked in these offices, and the officials ensured the execution of the qazis' rulings [19, C.59]. The qazis also exercised some control over local governors [16, C.173]. The qazi askar had the authority to consider crimes committed by the military [15, C.140]. Amir Shahmurad (1785–1800) occupies a special place in the history of the Bukhara emirate in terms of improving the judicial system [9, C.131]. He began by regulating taxes and abolished some fees that contradicted Sharia. Historical sources especially note Shahmurad's piety and closeness to science and enlightenment. Mulla Alim Makhdum Haji In his work "History of Turkestan" he is described as a Sufi and a propagator of Sharia [8, C.110]. NP Ostroumov also recognized his personal humility and honesty [12, C.17]. According to sources, Shahmurod directly intervened in judicial activities and introduced a set of special judicial laws [7, C.288]. According to the book "History of Uzbekistan", even a slave had the right to complain to the judge about his master [20, C.688]. This indicates that the judicial system was based to a certain extent on the principles of social justice. Starting from the time of Amir Muzaffar, legal norms were resolved by judges, all civil and criminal cases were considered on the basis of the Quran [9, C.288]. Qazikalon was considered the highest judicial position in the emirate.

The requirements for the position of qazi were also quite strict: a person had to be a Muslim, free, of legal age, well-versed in jurisprudence, fluent in Arabic, and of good repute. Sadridin Aini noted that to achieve this level, it was necessary to study in a madrasa for many years [1, C.138–141]. The qazi had the right to impose fines, imprisonment, and corporal punishment, but the issue of the death penalty depended on the approval of the emir [24, C.62]. In general, although the judicial system of the Bukhara emirate was formed on

the basis of religious and legal principles, it operated in close connection with political power. This shows how important the role of religious institutions in state governance was.

RESULTS

One of the notable aspects of the judicial system of the Bukhara emirate was that trials were conducted on a fee-based basis. Judges considered each claim for a fixed fee, and this procedure was formed as a mechanism for the financial support of judicial activities. Although court sessions were often held in public places, in particular mosques, in some cases judges also heard cases in their homes. This created favorable conditions, especially for a comprehensive analysis of conflicting issues and reaching a compromise between the parties [6, C.77]. In the Bukhara emirate state system, the practice of citizens addressing the head of state was also formed on a traditional legal basis and served as an important means of communication between the administration and society. The process of accepting applications and complaints was carried out on a clearly defined basis, twice a week on specially designated days. Appeals were presented in two forms: the first was the procedure for filing appeals through public receptions, in which a collective reception was organized in the palace and an announcement was made in advance. This procedure allowed different segments of the population to appeal to the emir. The second form was the practice of individual appeals, in which citizens had the right to directly file a personal appeal or complaint when the emir was leaving the palace [18, C.24]. The process of considering appeals and complaints was based on certain ceremonial and official rules. Usually, the emir considered appeals personally in the territory of the Bukhara Arch. In some cases, this process was carried out during public meetings held in front of the palace minaret [6, C.32]. The issue of proof in legal proceedings was regulated on the basis of the principles of Islamic law. In the Bukhara emirate, confession of guilt, witness testimony, oaths, and written evidence were recognized as the main forms of proof [2, C.205]. A witness could only testify about the circumstances he saw or knew directly. Statements based on hearsay were not recognized as legal evidence in court proceedings [10, C.63]. Strict requirements were imposed on the institution of testimony. In particular, minors, slaves, non-believers, persons known as slanderers or instigators, those exposed to perjury, those who abused oaths, persons who had previously committed crimes, and close relatives of the defendant were deprived of the right to participate as witnesses [10, C.105]. Expedient consideration of court cases was considered one of the

criteria of justice. A party dissatisfied with the verdict of a judge had the right to appeal to the judge, and then to the emir. The judge could overturn the verdict of a judge, and only the emir could overturn the verdict of a judge [19, C.202]. The judicial system of the Bukhara emirate was distinguished by the severity of punishment in some cases. For theft and other serious crimes, the practice of public punishment was used. In particular, some criminals were thrown from the minaret, as well as being thrown into a dungeon or a prison. This penal system was based on the rules of Sharia and represented a strict approach aimed at maintaining social order and preventing crime [20, C.98].

CONCLUSION

During the reign of the Mangid dynasty, certain processes of growth and stabilization were observed in the socio-economic and cultural life of the Bukhara Emirate. In particular, during the reign of Amir Shahmurad, the regulation of the state administration system, the strengthening of central power, and the improvement of management mechanisms based on Sharia are manifested as an important historical stage. During this period, the institutional formation of the judiciary and its practical activities played a significant role in the development of statehood traditions. The desire to ensure the rule of law through the judicial system and the establishment of mechanisms for resolving disputes on a legal basis served to increase the efficiency of state governance. In this regard, judicial practice during the Bukhara Emirate can be assessed not only as a historical phenomenon, but also as an important component of statehood experience. In-depth study and scientific analysis of this historical experience is of particular importance at the present time. After all, understanding the traditions of national statehood and the historical and legal heritage serves as a theoretical and practical basis in the process of improving the modern independent judicial system. Therefore, the comprehensive study of historical judicial institutions is recognized not only as an object of scientific interest for young researchers, but also as an urgent scientific task.

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