

HISTORY OF FIQH

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ABSTRACT

The caliphate of the science of jurisprudence emerged during the ijtiḥad movement during the time of the Rashidins and their successors. The Companions used to ask each other for fatwas on new issues. Those of them who were mujtahids sought the Shari'ah ruling on this issue from the verses of the Qur'an and the hadiths. Then they would make comparisons or do ijtiḥad with Ray accordingly.

This work continued during the period of subordination and subordination. There was only a slight difference. Some of them insisted on comparing the analogy to the existing judgment. They would stop at different sentences. Others, on the other hand, took a broader approach and took advantage of the interests of the Shari'a. They all took from the opinions of the Companions. Saeed ibn Musayyab, Urwa bin Zubayr, Shurayh Qazi, Ibrahim Naha'i, and others are examples of the mujtahids of the Tabein and Tabaa subjugations.

Then, in the second century AH, during the time of the imams of the great sects, the science of *usul al-fiqh* was formed and separated from other sciences. Among the scholars, comparisons, *istikhsan*, *masalih al-mursala*, the words of the Companions, the Shari'ah of those before us, the deeds of the people of Madinah, and so on, began to be mentioned.

Among these mujtahids and scholars, there are two main directions. The fact that they were scholars from the Hijaz region was called *Madrasatu Ahl al-Hadith*. The Iraqi scholars were known as the *Madrasatu Ahl al-Ray*. Both madrassas followed a fixed hadith and a correct opinion. However, since the first madrasah was in the land of the Prophet (peace and blessings of Allaah be upon him) and his Companions, and because of the simplicity of life, the answers to almost all the questions were found in the hadeeths. The second madrasa, on the other hand, followed the Shari'ah in accordance with the Shari'ah when it could not find an answer in a fixed hadith to the peculiarities of the lives of Muslims in other countries, their culture, the influence of previous religions, customs, way of life, and so on.

In the past, people used the rules of jurisprudence based on the ijtiḥad of the Companions, the followers and other imams. Sometimes their ijtiḥad was the basis as a methodological rule in reconciling conflicting arguments.

For example, comparing a drunkard with a person who has slandered someone by accusing him of adultery has been compared to the ijtiḥad of Ali (as). According to the ijtiḥad of 'Abdullah ibn Mas'ud, "the next argument invalidates the previous one and the specific evidence invalidates the general." According to this rule, if a widow becomes pregnant, she will stay in *Iddah* until she conceives.

During the time of the Prophet (peace and blessings of Allaah be upon him), he used to solve all problems with the verses of the Qur'aan and his Sunnah. After the death of the Messenger of Allaah (peace and blessings of Allaah be upon him), the Companions used to judge by believing in the Qur'aan and the Sunnah and their ijtiḥad. Because the Messenger of Allaah (peace and

blessings of Allaah be upon him) did not need rules because of his sharpness of speech and ability, and because he understood the Qur'aan and the hadeeth very well.

The spread of Islam among many lands and peoples, and the unification of the Arab people with other nations, created a special situation. There was a need to develop common rules to address the problems that arose. As a result, the science of Usul al-Fiqh was established. This work appeared during the time of the Imams, at the end of the second century AH.

As Ibn Nadim mentions in his book Fihrist, Imam Abu Yusuf, a student of Imam Abu Hanifa, was the first to compile all the rules of Usul al-Fiqh in a separate treatise. But, unfortunately, this pamphlet has not reached us.

The first book on Usul al-Fiqh was written by Imam Muhammad ibn Idris Shafi'i. These books of Imam Shafi'i, called Risala, have come down to us. That is why Imam Shafi'i is known among the scholars as the founder of the science of Usul al-Fiqh. The science of Usul al-Fiqh was then divided into two directions, and many works were created in each of them.

First line: Mutakallim direction.

Scholars who have worked in this field have relied on the text of evidence and documents, the dictionary, the word, and the rules of reason. They did not look at furu'l-fiqh in their work. The style of the scholars who wrote books on the subject of mutakallim is notable for three main reasons:

- Relying on mental evidence.
- Not following a particular school of jurisprudence.
- Just look at Furu'ul-fiqh as an example.

Shafi'i, Maliki, Mu'tazili and other scholars of the sect have written books on this subject. The rules of Usul al-Fiqh have been developed in this direction.

The following are some of the most popular works written by scholars:

1. Abduljabbor Motazili's Kitabul-umda.
2. Abulhasan Muhammad Ali Basri's Kitabul-Mutamad.
3. "Burhan" by Abdul Ma'ali Abdulmalik ibn Abdullah Juwayni Nishapuri, better known as "Imam Haramayni."
4. The work of Qazi Abdullah ibn Umar Bayzawi, "Science with Minhojul-vusul."
5. Hujjat al-Islam is a work by Abu Hamid al-Ghazali entitled Mustafa.
6. Imam Fakhruddin Razi's book "Mahsul".
7. Abul Hasan Omadi's book "Ihkam fiy usulul-ahkam" and others.

These books are very popular among the scholars.

The second direction is the direction of the Hanafi scholars.

The rules of Usul al-Fiqh in this regard are based on the ijtehad of the mujtahids of the Hanafi school. This is because the mujtahids of this sect, like Imam Shafi'i, did not leave any documents on Usul al-Fiqh. Only jurisprudential issues are inherited from them.

The Hanafi method of jurisprudence has three characteristics:

1. In this style, the rules of jurisprudence are practically linked to its rulings.
2. A useful combination of usul al-fiqh and fiqh.
3. This method is an unparalleled service in writing the general rules of jurisprudence.

The following are some of the most popular Hanafi works:

1. The work “Kitabul-usul” by Abu Bakr Ahmad ibn Ali Jassos.
2. The work of Abu Zayd Ubaydullah ibn Umar Dabbusi “Taqviymul-adilla.”
3. Fakhrul Islam Ali ibn Muhammad Bazdavi’s work “Kitabul-usul”.
4. Manor by Abdullah ibn Ahmad Hafizuddin Nasafy.
5. Imam Shamsul Aamma Muhammad ibn Ahmad Sarakhsi's book “Tamhiydul-fusul fil-usul” and others.

Some scholars have created works that combine both aspects of Usul al-Fiqh. This style appeared in the seventh century AH. The scholars who worked on it summarized the direction of the Mutakallimun and the Hanafis. They paid special attention to researching the rules of the method and proving them with evidence, and then applying them to furu'l-fiqh. This was done mainly by the Hanafis and Shafi'is. Their style is also called “the direction of the experts”. The following are some of the most popular works of the Mutakallimun and Hanafi sects:

1. Muzaffaruddin Ahmad ibn Ali Saati Hanafi's Badi'un-nizam al-jame 'bayna kitabay Bazdavi wal ahkam.
2. Sodrush Shari'a by Ubaydullah ibn Mas'ud Bukhari's Tankiyh al-Usul.
3. Tojiddin Abdulwahhab Subki's Jammu Javomi.
4. Sa'duddin Taftazani's book, Talviyh.
5. The work of Imam Kamal ibn Humam Hanafi “Kitabut-Tahrir”.
6. Muhibbullah ibn Abdushshakur Hindi book Musallamus-subut.

These books are works that combine two aspects of usul al-fiqh.

Let us now take a closer look at some of the four major schools of jurisprudence.

1. “Al-Fusul fil-Usul”.

The author of this book is Ahmad ibn Ali Razi Jassos, one of the famous scholars of the Hanafi school. The method of Fusul fil-usul is one of the most important works on the Hanafi school of jurisprudence. Fusul fil-usul is one of the main sources of the Hanafis.

In this book, the author mentions jurisprudential issues lightly. But the method gives a broad interpretation when it comes to jurisprudence. Ahmad ibn Ali Razi Jassos, may God bless him and grant him peace, wrote Fusul fil-Usul after the death of his mentor, the famous Sheikh Imam Karkhi. Bu kitob uning ilmiy tajribalari va amalining xulosasi sifatida yuzaga kelgan. “Al-Fusul fil-usul” Hanafiy mazhabidagi usulul fiqhning tojiga aylangan.

2. “Bazdavi's method of interpretation of Kashful asror”.

The author of this book is Alouddin Abdulaziz ibn Ahmad Bukhari (730 AH), one of the famous scholars of the Hanafi school. Bazdavi's Kashful Asrar Interpretation Method is one of the most important books on the Hanafi school.

The introduction to Bazdavi's Method of Interpretation of Kashful Asrar deals with the definition of science and the statement of jurisprudence and wisdom. Then the sources of the Shari'ah rulings are mentioned, and the Qur'an, the Sunnah, and the things related to them, and other evidences are explained. Then there are other debates on usul al-fiqh. In the Kashful Asrar Interpretation Method Bazdavi, it is common to cite fiqh rulings and cite their evidence for the Hanafi school.

3. “At-talviyh alat tavziyh”.

The author of this book is Sa'd al-Din Mas'ud ibn 'Umar Taftazani, may God bless him and grant him peace. His book, *At-Talwih Alat Tawzih*, is a commentary on Sadr al-Shari'ah to Ubaydullah ibn Mas'ud Bukhari al-Hanafi, may God bless him and grant him peace. *Tankiyhul-Usul* is a very popular book, which was created by modifying and adding to Fakhrul Islam Bazdavi's *Usulul-fiqh*.

4. "At-taqriyr wat tahbiyr fiy sharhit-tahrir."

The author of this book is Ibn Amir al-Hajj, one of the Hanafi scholars. *At-Taqrir wat-Tahbiyr fi Sharhit-Tahrir* is a commentary on the *Kitab al-Tahrir* of Imam Kamal ibn Humam, in which he combined the method of the musannif fuqaha and the mutakallim. It also contains the terminology of the Hanafis and the Shafi'is.

Ibn 'Amir al-Hajj (may Allaah have mercy on him) sometimes narrates the evidence as well as its authenticity or weakness. It narrates the sayings of the imams of the Hanafi school. It also quotes Shafi'i scholars. Then he compares the two.

5. *Mustasfo fiy ilmi Usulil-fiqhi*.

The author of this book is Hujjat al-Islam Abu Hamid Muhammad ibn Muhammad al-Ghazali, may God bless him and grant him peace. These books by Imam al-Ghazali are one of the original books of the Shafi'i school of jurisprudence. The author wrote the book in a beautiful order and with great scientific skill. Imam al-Ghazali began the book with an introduction and a separate introduction to the logic of *usul al-fiqh*. He then divided it into four parts:

1. Shari'ah ruling and its parts.

2. The main proofs of the rulings are the Qur'an, the Sunnah, Ijma 'and Istishab.³ The mood of giving evidence and the rules of judging and giving evidence from the Qur'an and Sunnah. It also includes a comparison.

4. Ijtihad, tawruz - contradiction, history - to determine which of the rulings is stronger, to ask for imitation and fatwa.

Imam al-Ghazali raises an issue and expresses his opinion on it. He then quotes scholars who have confirmed that view.

6. "Sharhu Kavkabil-Muniyr".

The author of this book is Muhammad ibn Ahmad ibn Abdulaziz ibn Najjar Hanbali. *Sharhu Kavkabil Munir* is a book of *usul fiqh* that expresses the views of several sects. This book is a commentary on the author's book "Kavkabil Munir". *Kawkabil-Muniyr* is also known as *Mukhtasarit-Tahrir*, which was abbreviated from Ibn Najjar Qazi Mardavi's *Tahrir al-Mankul wa Tahzib al-Ilm al-Usul*. Ibn Najjar then commented on his summary and called it *Sharh al-Qawqabil Munir*. Below we mention the names of the most famous of them.

1. Imam Muhammad ibn Muhammad Abu Mansur Moturidi (died 333 AH).

Imam Moturidi was born in the village of Moturid near Samarkand. He learned jurisprudence from Abu Bakr Ahmad Jurjani. Imam Moturidi, in turn, coached Ishaq ibn Muhammad Samarkandi, Abu Muhammad Abdulkarim ibn Musa Bazdavi and other scholars.

Imam Abu Mansur Moturidi is known as a scholar in the field of kalam.

2. Abu Zayd Ubaydullah ibn Umar ibn Isa Qazi Dabbusi.

He was born in the village of Dabbus, between Samarkand and Bukhara. Imam Dabbusi is the founder of the science of *Ilmul-Khilaf*. Imam Abu Zayd Dabbusi wrote many works on Islamic

law. Among them are the books "Kitabul-asror", "Kitabul-amadul-aqsa", "An-Nuzum fil fatwa". Imam Dabbusi's Taqviym al-Adilla is one of the most famous works on usul al-fiqh written by Hanafi scholars.

3. Imam Ali ibn Muhammad ibn Abdulkarim Fakhrul Islam Bazdavi.

This great man was educated in Samarkand and became famous. Imam Bazdavi is the leader of the Hanafi scholars. The commentaries on the two volumes of Mabsut, Al-Jame 'al-Kabir, and Al-Jame' as-Saghir are by Imam al-Bazdavi. Imam al-Bazdavi also wrote a commentary.

4. Imam Abulbarakat Abdullah ibn Ahmad ibn Mahmud Hafizuddin Nasafi.

He was born in Nasaf (Karshi). Imam Abdullah Nasafi Shamsul aimma Muhammad ibn Abdussattar Kurdi learned jurisprudence from scholars such as Hamududdin Zarir Badruddin Khoharzoda. Imam Nasafi's books on usul al-fiqh brought him great fame.

5. Imam Sadrush Shari'a Ubaydullah ibn Mas'ud Bukhari was born and raised in Bukhara. His ancestors became famous scholars as a result of the upbringing of Imam Tajush Shari'a Mahmud ibn Sadrush Shari'a. When Imam ibn Mas'ud became aware of this, he wrote a commentary on Tanqih entitled Tawzih fiy halli ghawamizit-Tanqih.

Imom Sodrush shariy'a Ubaydulloh ibn Mas'ud Buxoriy hijriy 747-yili Buxoro shahrida vafot etdilar. Imomning maqbaralari Buxoro shahridadir.

6. The scholar Sa'duddin Mas'ud ibn 'Umar Taftazani traveled all over Central Asia in search of knowledge. They visited Gijduvan, Turkestan, Khorezm, Sarkhas, Samarkand. As a result of his efforts, he became a famous scientist of his time. They became famous all over the Islamic world. Scholar Taftazani left behind a lasting legacy of scientific knowledge, such as Sharhi Zanjani, Sharh al-Aqeed, and Maqasid al-Kalam.

Among the famous Central Asian commentators and hadith scholars are Imam Razi, Imam Sarkhasi, Imam Akhsikati, and Imam Khokandi, who also studied the methodology of jurisprudence and made significant contributions to the development of some of its rules.

All this evidence testifies to the greatness of the services of Central Asian scholars in the emergence of the science of usul fiqh and its formation as one of the most important religious sciences.

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