
The Role of Husamuddin Sadr Shahid and Husamuddin Al-Ahsikati's Scientific Heritage in Islamic Jurisprudence

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Abstract: The scientific heritage of two great Central Asian scholars, Husamuddin Sadr Shahid and Husamuddin al-Akhsikati, is of great importance to the Islamic Jurisprudence. An in-depth study of the scientific and spiritual heritage left by the faqihs of the Oli Moza family from Bukhara is one of the important tasks facing researchers today. This paper will detail the works and scientific heritage of Husamuddin Sadr Shahid (473/1090–536/1141), a great representative of the Ali Moza family and one of the famous Hanafi jurists, and his contemporary fellow, Husamuddin al-Akhsikati.

Keywords: Husamuddin Sadr Shahid, Husamuddin al-Ahsikatiy, usul al-fiqh, "Al-Fatawa as-sugro" ("Fatawa as-Sadr ash-Shahid"), "Muntahab al-Husami" ("Muntahab al-Ahsikati")

Introduction

It is known that Central Asia is one of the independent regional civilizations in the Turkic world. In the course of centuries of development, this civilization, despite anthropological, social, political, linguistic, religious and other changes, has always had its own laws and aspects. National values form the basis of this civilization. The history of Islam in Central Asia and its relationship with national culture can be conditionally divided into four main periods:

1. The Arab conquests and the establishment of Arab hegemony (644-780).
2. The syncretized period of interaction between Central Asian and Islamic cultures (780 - XIV century).
3. The period of formation and stabilization of the regional form of Islam in Central Asia (XIV-XIX centuries).
4. The period of modernization and politicization of Islam in Central Asia (from the twentieth century to the present).

2. Literature Review

In the X-XIII centuries in Bukhara and Samarkand, the largest cities of Central Asia, there was an active involvement of Hanafi scholars in the socio-political life. Many researchers in the West have carried out effective scientific work on the infiltration and development of the Hanafi sect in this country (Islam Ansiklopedisi 1997, p. 39; Resat 1981, p. 370; Resat 1981, p. 523).

The fact that the scientific legacy left by these two jurists has been extensively studied by Eastern and Western scholars is explained, in detail, in the article from the point of view of each legal issue and from the point of view of the person who commented on them.

3. Methodology

The article is divided into two parts. The first part is dedicated to Husomuddin Sadr Shahid and the second part to Husomuddin al-Ahsikatiy. In addition, in the article, the study of the scientific heritage of these faqihs is also carried out in two stages - Literature review and Manuscript publication. Accordingly, various types and editions of manuscripts of these authors are mentioned, which are stored in the funds of world museums and libraries.

The footnotes detail the biography of each scientist first mentioned in the text. An interpretation is given in detail about the source that was first used in the text, and then the author, title and page number are mentioned if the same source is to be reused. The authors define certain terms such as Arabic, Mongolian, etc.

4. Results

It is known that in the X-XIII centuries, Islamic jurists (faqihs) played a key role in the political and social management of the Movarounnahr society. The Samanid, Qarakhanid, Ghaznavid, and Seljuk Turkic sultans, the ruling dynasties of Movarounnahr, used Islamic jurists effectively to subjugate the people to their policies.

During the reign of Sultan Sanjar Ahmad ibn Malikshah (490–552 / 1097–1157), one of the famous Seljuk sultans, the political control of the lands of Central Asia under the control of the Qarakhanids passed completely into the hands of the Seljuks (Muminov 1991, p. 14; Muminov 2001, pp. 172-176).

One of the peculiarities of the Seljuk style of government was that in one city they appointed both a rais (representative for religious affairs) and an amir (representative for government affairs). The chairmen were appointed by the sultan personally, from the clergy loyal to the sultan (similar to the representatives of the Oli Moza family), in turn, by order of the local or ruler.

One of the dynasties that presided over Bukhara for many years was the Oli Moza family, which undoubtedly played an important role in the family's recognition as the leading ruling circle in the socio-political life of Movarounnahr, Sultan Sanjar's military and political activities in Movarounnahr and his respect for the Oli Moza family. In Bukhara, they worked mainly as tax collectors and trustees of Sultan Sanjar (Sadrudin 1985, p. 99). Because during this period the military administration in Movarounnahr was in the hands of the Seljuks (Agadjanov 1991, p. 198). According to researcher A.Q. Muminov, they served as chairman, khatib or main tribute collector in Bukhara (Muminov 2001, pp. 195-205).

Husamuddin Sadr Shahid was born in 473/1090 in the city of Marv (Husomiddin 1977-78, p. 47). His full name is Husamuddin Umar ibn Abdulaziz ibn Umar ibn Moza Bukhari. According to Kafavi, he taught the mature faqihs and judges of his time. According to Quraysh, until Husamuddin's death, he was known in Bukhara as Moza or Banu Moza (Children of Moza) (Kurashij 1993, p. 74). It was given to him after the death of Sadr Shahid. Sadr Shahid was the

chairman of Bukhara for twenty years, from 512 / 1118-19 to 536/1141 until his death¹. The rank of Sadr was given to him by Sultan Sanjar (Muhammad 1998, p. 98). His reputation as a Shahid is due to his death in 536/1141 in a battle between Sultan Sanjar's army and the Karahitays.

The Arab researcher Mahi Hilal Sarhan Qurashi concludes that the faqih has two sons, one is Tajiddin Ahmad Sadr Sa'id and he is the father of Burhanuddin Mahmud Bukhari (Husomiddin 1977-78, p. 29). This idea requires clarity. Apart from the Quraysh, it is clear from the works that provide information about the Hanafi jurists that Tajiddin Ahmad Sadr Sa'id was not the son of Sadr Shahid, but his brother. Burhanuddin Mahmud Bukhari also explains that Sadr Shahid was not his grandfather but his uncle:

لأب رحتى ان تهى الى صدورى واسلافى ولم يزل العلم موروثا من الأول لآخر و منذ قولنا من الشهداء تغمدهم الله بالرحمة والرضوان فكلمهم رضوان الله عليهم اجمعين شرحوا ما بقى من السعداء فمصدفاتهم متداولة بين الأورى يستعان بها عند اتقان وف تحوا ما ترك مقفلا الفقه مجهولا وف أصل جليل يجمع فيه اجل الحوادث الحكم يتوقد وقع فى رأى ان اشد تبه بهم بتألى الف توى و اذ را حد سنا لى بعد وفاتى ل يكون عوننا لى حال دياتى الف نوازل الشرعية

Translation: "Knowledge has always been inherited from the ancestors and continued to be passed down from the elders, and finally it reached my Shahid and Sa'id Sadrs and my ancestors (may Allah bless them and grant them peace). Each of them (may Allah be pleased with them) commented on unclear things, revealing things that were unknown. The books they wrote were widely spread among the people and appealed to the perfect issue of the fatwa. I came up with an idea to write a great source that summed up the Shari'ah issues, the basics of judicial events, and to imitate them so that this work will help me in my present life and become a beautiful legacy after my death" (Mahmud, p. 11b).

Here, when Burhanuddin Mahmud said "my Shahid and Sa'id Sadrs", he must have meant his father Tajiddin Ahmad Sadr Sa'id and his uncle Sadr Shahid. Hence, in subsequent studies, it is advisable to place Sadr Shahid in the place of Burhanuddin Mahmud's uncle.

Sadr Shahid's first teacher was his father Abdulaziz ibn Moza (Kurashij 1993, p. 312, p. 364).

The layer works, which report on the Hanafi jurists, speak of the battle of Qatavan, which led to the death of Sadr Shahid (Mahmud, pp. 98b-155a).

Azerbaijani historian S.G. Agadjanov and a number of Turkish historians have studied the Qatavan war between Sultan Sanjar and the ruler of the Qarahitays, El Yu Dashi (i.e., Gorkhan) (Agadjanov 1991, p. 177). The Battle of Qatavan began on September 3, 536/1141 and ended with the defeat of the Eastern Seljuk Sultanate.

The number of Muslim fighters killed in the Qatavan battle is stated to be 30,000 (Madelung 1982, p. 371), 70,000 (Sadrudin 1985, p. 99) and even 100,000 in some places (Omer 2007, p. 83). All of them were declared "Shahids" and were buried in the eastern steppe of Samarkand (Agadjanov 1991, p. 180).

After his victory in Qatavan, the Karahitay Gorkhan captured Bukhara. The chairman of the city, Sadr Shahid, will also be a shahid in Qatavan (Agadjanov 1991, p. 181).

¹ Since Husamuddin Sadr Shahid Moza presided over the most among his children, sources about the faqih add the title "sadr" to him. "Sadr" (Arabic for "front, chest") is also a title bestowed on various officials in Muslim countries. This title was sometimes bestowed on religious leaders, who were tasked with overseeing the foundation affairs of an entire state or province. (See: Encyclopedia of Islam. T.: National Encyclopedia of Uzbekistan. 2004. - P. 204).

According to the results of an in-depth study of the information in the works of "Tabaqat al-Hanafiyya", evidence for that Sadr Shahid had the following works was found:

"Al-Usul al-Husamiyya" or "Usul as-Sadr al-Shahid" is a work on usul al-fiqh. Karl Brockelman provides information about this work (Brockelmann 1898-1993, p. 374).

"Sharh al-Jami as-Saghir" is a commentary on "al-Jami as-saghir" by Muhammad al-Shaybani, a disciple of Abu Hanifa, and the author of "Miftah as-saoda as-saghir" said that it is one of the seven major commentaries on the work. Karl Brockelman provides information on two copies of this commentary kept in the Arabic Manuscripts Fund of the American Barstow University (Brockelmann 1898-1993, p. 589). It also has one copy in the Mosul Public Library in Iraq and the National Library of Alexandria (Hoji 1853, vol.1, p. 56). A copy of the commentary, which is now preserved in the Deoband Madrasa in Saharanapur, India, was studied by Muhammad ibn Abdulhay al-Laknawi al-Hindi in 1310 / 1892-93 (Hoji 1853, vol.1, pp. 56-59). The study found that the work was also known as "al-Jami as-saghir fi-l-furu" or "Jami Sadr Shahid". At present, its Tashkent copy is stored in the main fund of the Institute of Oriental Studies of the Academy of Sciences of the Republic of Uzbekistan under the number 5815².

This work of Husamuddin Sadr Shahid has received many comments from leading jurists of his time. These include "Sharh Badruddin al-Varsaki", "Sharh Abi Nasr Ahmad al-Isbijabi", and "Sharh Alouddin as-Samarkandi". In addition, there are seven manuscript copies of "Sharh al-Jami as-Saghir" at the Baghdad People's Library, four at the Istanbul State Museum, one at the Hasan Pasha al-Jalili Books in Iraq, two at the Al-Fatih Mosque Library in Istanbul, and three at the Iraqi State Museum in Baghdad, eleven in the libraries of al-Azhar, Alexandria, and Dor al-kutub al-misriyya in Cairo (Hoji 1853, vol.1, p. 52-57).

"Sharh al-Jami al-Kabir". This work is a commentary on Muhammad Shaybani's "al-Jami al-kabir". It is unknown at this time whether there is a manuscript copy of this commentary. However, the fact that "al-Fataawa al-Hindiya" quotes many of them is proof that there was such a work.

"Umdat al-Mufti wa-l-mustafi" (Guide to the Fatwa Issuer and the Asker). Karl Brockelman said that there exist the copies of this work in the National Library of Berlin, the Dor al-Kutub al-Misriya in Cairo, and the libraries of al-Azhar University (Brockelmann 1898-1993, p. 591).

"Al-Fatawa as-Sugra" or "Fatawa as-Sadr al-Shahid". This guide contains Hanafi and Shafi'i fatwas from Movarounnahr and Khorasan up to the 12th century. It is now known that he has two copies in the National Library of Mosul in Iraq and in the Dor al-Kutub al-Misriyya Library in Cairo (Hoji 1853, vol.1, p. 56). The Tashkent copy of the work is stored in the Academy of Sciences of the Republic of Uzbekistan under the number 5934³.

"Al-Fatawa al-Kubro" is a unique collection of manuscripts and is the only foreign copy of The Chester Beatty Library in Dublin. The second copy of the work is in Tashkent and is stored in the Academy of Sciences of the Republic of Uzbekistan under the number 7857⁴.

"Al-Waq'a'at al-Husamiyya fi Madhhab al-Hanafiyya". Haji Khalifa calls the second name of this work "al-Ajnos" (Murteza 2010, p. 46). It has four manuscript copies in the Al-

² This copy is written in Naskh script and consists of 302 pages.

³ This copy is written in Naskh script and consists of 302 pages.

⁴ This copy is written in a nastaliq letter and consists of 529 pages.

Fatih Library in Istanbul, one in the National Library of Berlin, and two in the Istanbul State Museum (Murteza 2010, p. 63). Haji Khalifa says that "al-Hidaya" and "al-Fatawa al-Zahiriyya" are based on "al-Waqa'at al-Husamiyya". The Tashkent copy of the work is stored in the Academy of Sciences of the Republic of Uzbekistan under number 7756⁵.

Turkish Islamic scholar Murtaza Bedir in his book "Bukhara School of Law" describes Sadr Shahid as a jurist who founded and developed the genre of "Voqe'at" (events) in the science of jurisprudence (Muhammad 1998, p. 196). This work by Sadr Shahid is a collection of four famous works written in the fatwa genre in Movarounnahr before him. These are in the Arabic alphabet, the first being the fatwas from Abu Lays Samarkandi's "Nawazil" under the letter "nun", the fatwas from "al-Waqi'at" under Notifi from the letter "wow", and the fatwas from Abu Bakr Muhammad ibn Fazl with the letter "be". The fatwas in the work "Fatwa" and finally the fatwas of Alouddin Samarkandi are summarized under the letter "sin" (Muhammad 1998, p. 71).

Based on this, it can be concluded that Sadr Shahid Movarounnahr's two major schools of jurisprudence combined the long-standing traditions of the Bukhara and Samarkand schools of jurisprudence. There is no doubt that further research in the framework of this work will reveal new aspects of the traditions of jurisprudence specific to Movarounnahr.

Murtaza Bedir and the Uzbek orientalist Odil Qoriev, in their research, give information about the instructions given by the Khorezmian jurist Najmiddin Abu-r-Rajo Mukhtar ibn Mahmud az-Zahidi al-Ghazmini (d. 658/1260) written during the Mongol invasion in the "Qinyat al-munya li-tatmim al-gun" book. According to them, one of the important aspects of this work is that Najmiddin al-Ghazmini was the first to use it in his work to compile a list of names and references in manuscript sources and to quote them (Muhammad 1998, p. 78).

But sources confirm that this style was first proposed by Sadr Shahid in Movarounnahr about a hundred years ago. From the time of Sadr Shahid, this style made it easy for readers and scholars to identify the owner of the fatwa. This view may seem simple, but it gives a new scientific conclusion that ten centuries ago our ancestors established the rule of snoska⁶ in modern language. This proves that the rules of footnote (snoska) in the Western language were originally established in our lands, not in the West or in other Muslim Eastern lands.

According to Hamidulla Aminov, it would be more appropriate to understand these signs as "conditional abbreviations" instead of "indicators" (Aminov & Primov 2017, p. 146).

According to the results of the study of jurisprudential sources written in Movarounnahr, each of them has its own specific symbols and terms. Some have more specific terminology and conditional abbreviations. They have been studied by commentators and researchers to understand the author's purpose.

An abbreviated index-catalog, abbreviation of the names and some phrases of the works used and quoted, were used by Burhanuddin al-Marghinani in his work "at-Tajnis wa-l-mazid" (analogy and addition), Abu Fazl Abdullah ibn Mahmud ibn Mawdud ibn Majdiddin al-Mawsili (d. 683/1284) in "Kitab al-Mukhtar" (Selected Book), Abu al-Barakat an-Nasafi (d. 710/1310), in "Kitab al-Wafi fi-l-furu" (Furu' al-fiqh), Tahir ibn Salam ibn Qasim Ibn Ahmad al-Ansari al-Khwarizmi (d. 771/1370) in "Jawahir al-fiqh" (Jewels of Fiqh), Badriddin Mahmud ibn Israil ibn

⁵ This copy of the work is also written in Naskh script and consists of 273 pages.

⁶ Snoska means a comment, comment or link in the form of a comment at the bottom of the page.

Abdulaziz al-Hanafi (d. 823/1420) in "Jami 'al-Fuslayn"⁷ (Two Collection of Fusul). They gave these abbreviations at the beginning or end of their work.

Thus, while Sadr Shahid originally arranged for abbreviations in the Arabic alphabet, it can be said that Najmiddin al-Ghazmini, the jurist whose names and works are mentioned above, put the abbreviations into a separate system.

Mahi Hilal Sarkhan, an Iraqi researcher who studied the scientific legacy of Sadr Shahid, wrote a book on fiqh entitled "Kitab al-Nafaqat", "Kitab at-Taklima", "Kitab al-Muntaqo", "Kitab al-Da'wa al-Hiyatan wa-t-turuq. and masil al-mo", "Kitab al-mabsut fi-l-khilafiyat", "Kitab hirat al-fuqaha", and "Kitab al-waqf" (Hoji 1853, vol.1, p. 64).

Presumably, these works reported by Mahi Hilal Sarkhan were not written as independent works because there is no evidence about the copies of these works in other sources.

The works written by Sadr Shahid and Burhanuddin Mahmud Bukhari are confusing for some researchers. This can be observed more often in the work of Arab researchers. For example, the Lebanese Abdullah Mustafa al-Maragha states that "az-Zahiratu-l-burhaniyya" was written by Sadr Shahid (Abdullah 1974, vol.1, p. 79).

It is known that many Hanafi scholars commented on Hassaf's (d. 261 / 874-75) Adab al-Qazi. The Egyptian scholar Taha Ahmad Maghazi suggested that Burhanuddin Mahmud Bukhari had a work called "Sharh adab al-qazi li-l-Hassof", and considered "al-Zahiratu-l-burhaniyya" to be a short form of "al-Muhit" (Taha 2003, p. 34, p. 355). This view is controversial in many ways, leading to confusion in research on the subject. This is because the commentary on Hassaf's work was not written by Burhanuddin Mahmud Bukhari but by Sadr Shahid. The work was fully researched in 1977 by Mahi Hilal Sarkhan from Baghdad.

Sadr Shahid played an important role in the popularity of the Oli Moza family in Bukhara. This can also be seen from the attitude of many faqihs towards his fatwas. In particular, Najmiddin Yusuf Khasi collected the fatwas of scholars and wrote his work "al-Fatawa al-kubro". It is also known as Tajnis al-Waqi'at (Islam Ansiklopedisi 1997, p. 23). Al-Khasi turned "Fatawa as-sugro", by Sadr Shahid, into the form of a book in October 6 in the year 1210 (Islam Ansiklopedisi 1997, pp. 23-24). Burhanuddin Marginani (d. 593/1197) collected the fatwas of Sadr Shahid in his book "Kitab at-tajnis wa-l-mazid". It can also be seen that Zahiruddin Abd al-Makarim Abu al-Fath Ishaq ibn Abi Bakr al-Walwaliji (d. 540 / 1145-46) used the book "People of Samarkand" and the fatwas of Sadr Shahid possible in his "Fatwa al-Walwaliji" (Islam Ansiklopedisi 1997, pp. 23-24).

"Sharh adab al-qazi li-l-Hassof" (Islam Ansiklopedisi 1997, pp. 52-58). This work by Sadr Shahid was analyzed in detail by the Iraqi source Mahi Hilal Sarkhan in 1978.

5. Discussion

The source selected for this study is important also because it covers a full range of judicial issues. The first Hanafi jurists to write in the "Adab al-Qazi" series were Abu Yusuf (d. 182/798) and then Muhammad ibn Sammoa (d. 233/848), whose work did not survive. The first source to

⁷ Badriddin Mahmud ibn Isra'il ibn Abdulaziz al-Hanafi (d. 823/1420) published his work "Jami 'al-Fuslayn" (Two Fusul collections) on the basis of "Fusuli Ustrushaniy" by Muhammad ibn Mahmud al-Ustrushaniy and "Fusuli Imodiy" by Imadiddin Abu-l-Fath Abdurrahim as-Samarkandi (d. 651/1254). He reduced the number of repetitions from these two works.

reach us, written in the genre of "Adab al-Qazi", was written by Abu Bakr Ahmad ibn Umar Hassaf (d. 261/875) (Mustafo 1981, p. 46). It is known that a total of nine famous commentaries were written in the Hanafi world on Hassaf's Adab al-Qazi⁸. Six of these comments were created in Movarounnahr province.

Sadr Shahid's "Sharh adab al-qazi li-l-Hassof" differs from others by the following features:

The faqih divides his commentary into 120 chapters. He begins each issue with the opinion of Hassaf. He then clarifies the matter. For example:

وقال الخصاصف: فان القاضي مأمور بالقضاء بالحق

Translation: Hassaf said: indeed, the judge is commanded to judge with justice (Hoji 1853, vol.1, p. 128)⁹.

وجعل الخصاصف رحمه الله العدالة شرط الاولوية فان الأولى أن يكون
القاضي عدلاً، كما أن الأولى أن القاضي لا يقضي بشهادة الفاسق، ومع هذا اذا قضى بشهادة الفاسق
يذوق ضاؤه.

Translation: Hassaf (may Allaah have mercy on him) made justice a primary condition. First of all, there must be justice so that the judge does not judge by giving false testimony, although even if this judge judges by false testimony, his judgment will be executed (Hoji 1853, vol.1, p. 129).

The 120 chapters in Sadr Shahid's commentary can be divided into the following groups:

First, in the sections given from the first chapter to the fourteenth chapter of the work, the judge and related issues are covered. These include the etiquette and responsibilities of being a judge, the circumstances in which it is prohibited and permissible, the ijtiḥad of a judge, the office of a judge, the court of a judge, the types of claims, councils of judges, the psychological state of a judge, the bribe or gift of a judge (Hoji 1853, vol.1, p. 519, vol.2, p. 22).

The analysis of the sources shows that the judges of Movarounnahr preferred to judge on the basis of consultation and ijtiḥad, i.e. reason, and supported it legally. Sadr Shahid quotes the following rule here:

ولولا يع تبرك بر السن، ولا كثرة العدد المشورة تفتح العقب

Translation: Counseling sharpens the mind. The size of the age and the large number do not matter here (Hoji 1853, vol.1, p. 129).

At this point, Sadr Shahid argues that after the appointment of Abu Musa al-Ash'ari as a judge in Kufa and Basra, he always consulted with the Caliph Umar ibn Khattab in all matters (Hoji 1853, vol.1, p. 183).

⁸ These commentaries were written by the following jurists: Abu Bakr Jassos (d. 370/980), Abu Ja'far Muhammad ibn Abdullah al-Hinduwni (d. 362/973), Abu Husayn Ahmad ibn Muhammad al-Quduri (d. 438/1046). y), Ali ibn al-Husayn as-Sughdi (d. 461/1069), Shamsu-l A'imma Muhammad ibn Ahmad as-Sarakhsi (d. 483/1090), Shamsu-l A'imma Abdulaziz Ahmad al -Halvani (d. 456/1064), Abu Bakr Muhammad Khokharzoda (d. 483/1090), Husamuddin as-Sadr al-Shahid (d. 536/1141), Fakhruddin al-Hasan ibn Mansur al-Uzjandi al -Qozikhan (d. 592/1196).

⁹ Commentary by Adab al-Qazi. J.1. - B. 128. Sadr also gives the name of Shahid Hassaf as "sahib al-kitab". The 26th verse of Surat as-Sad, which is based on the justice of the judge, is the account of Hassaf. See the Qur'an. 38:26 (Oh David, We have made you a ruler of the earth. So judge among men with truth. And follow not the lusts of the air! Nor shall he lead you astray from the way of Allah. Indeed, those who stray from the path of Allah will have a painful punishment on the Day of Judgment because they forgot).

Sadr Shahid did not consider young teenagers worthy of being judges. He concluded that the teenager was more likely to give in to lust because of lust.

Another major factor that led to the fact that the authoritative jurisprudential sources of the Hanafi school were written in Movarounnahr and the improvement of the work of the judiciary is that the faqihs of Movarounnahr opened the door to ijtiḥād. Sadr Shahid says in support of this idea at this point.:

وَأَمَّا كَانَ فِي زَمَانِهِمْ، فَإِنَّهُ كَانَ فِي الْمُجْتَهِدِينَ كَثْرَةً، فَإِذَا امْتَنَعَ عَنِ الْاجْتِهَادِ وَاحِدٌ لَا يُضَيِّعُ حُكْمَ اللَّهِ تَعَالَى. وَ أَمَّا فِي
الْيَوْمِ ضِدَّ يَأْتِي حُكْمٌ مِنْ أَدْحَامِ اللَّهِ تَعَالَى. زَمَانِنَا فِي الْمَجْتَهِدِينَ قَلَّةٌ، فَإِذَا امْتَنَعَ هَذَا فَلَا يُوْجَدُ مِنْ يَجْتَهِدُ، فَيُؤَدَّى

Translation: There were many mujtahids in the age of happiness. By renouncing one ijtiḥād, the ruling of Allah Almighty has not disappeared. But by the time we live, the number of mujtahid scholars has dwindled. If someone forbids ijtiḥād, there will be no ijtiḥād, and this condition will cause one of the rulings of Allah to be lost (Hoji 1853, vol.1, p. 206).

Hence, it can be concluded from the opinion of Sadr Shahid that a Muslim scholar should not only rely on the main sources of Islam, but also be able to give his independent opinion in deciding justice. This tradition is peculiar to Movarounnahr, and the idea that Salafi and Hanbali Muslims today believe that Islamic societies should be based solely on the Quran and hadith is not unique to Movarounnahr.

On the other hand, the economic, social and cultural conditions of Iraq, Khorasan and Movarounnahr were very different from the ordinary conditions of the Arab population, and various economic, social and political events took place regularly in the course of people's lives. They were forced to reconcile these events with the dimensions of Sharia and the rules of Islam. In Iraq, Khorasan, and Movarounnahr, for example, there were fast-flowing rivers, vast crops, and the need for strong financial laws for the development of agriculture and trade. Adapting these changing conditions to the new Islamic law could only be done through ijtiḥād through opinion and comparison.

According to Sadr Shahid, in the Middle Ages, Saturday in Iraq, Monday in Damascus, and Tuesday in Bukhara and Samarkand were designated as the judge's day off (Hoji 1853, vol.1, p. 278). Also, unlike other regions, only in Samarkand and Bukhara the salary of the judge on the day of rest is fully preserved. In the countries of the Movarounnahr region, government officials have designated a day of rest for "umm al-sultan" (ن.السل ل.امع). The regional judges also had the opportunity to independently determine the day off according to their work schedules. Nevertheless, many judges preferred to take a break from work on Tuesday (Hoji 1853, vol.1, p. 250).

Each judge was required to keep a "Kitab al-Mahbusiin" (Book of Prisoners) in his practice, which included the full name of the detainee, the name of his father, grandfather, the reason for his arrest, and the date of his arrest. The newly appointed judges copied a copy of the book and included it in their newly created cabinet. According to Sadr Shahid, the book of evacuated prisoners had to be approved by a retiring judge (Hoji 1853, vol.1, p. 256). In addition, the new judge was allowed to conduct one-on-one interviews with inmates prior to the registration of the book, and to reconsider the case if there were unjustly imprisoned prisoners. For him, the prisoner had to bring two witnesses to prove his innocence.

Sadr Shahid, considering that the judge should rule in the place appointed by the sultan, gives the following assumptions about the judge holding a meeting in his house:

- First, while the judge is resting, the adversary may get tired of the parties' complaints;
- Second, holding a meeting at home leads to increased public suspicion of the judge (suspicion of bribery of the judge);
- Thirdly, in such cases, the judge is likely to side with the hostile parties (Hoji 1853, vol.1, p. 156).

Sadr Shahid also devotes a separate chapter to the issue of bribery. So it shows that this issue is relevant in Movarounnahr. Sadr Shahid says there are four benefits to bribing a judge:

- A person pays a bribe to avoid danger;
- A person pays a bribe in the name of a career;
- A man bribes a judge to rule in his favor;
- A person bribes high-ranking officials (M: Sultan, minister, chief judge) to convey his grief.

Sadr Shahid strictly forbids the first three reasons and quotes the following fatwa from Shamsu-l A'imma Halvani as the fourth reason:

ينظر، ان كان فعلا لو استأجره على ذلك استحق الاجر، بأن أعطاه لتبليغ الرسالة، بأن بعثه رسولا الى الحاكم، فلما بلغ الرسالة أعطاه شديئا، وأهوى إليه شديئا، يحل له الاخذ.

Translation: In fact, if a payee is hired, he deserves to be paid, because he pays the governor for sending him as an ambassador and delivering the message. It is permissible to give him something and a gift only when he is informed. What the recipient receives is not a bribe here (Hoji 1853, vol.2, p. 29).

So, the fact that Sadr Shahid Halvani quoted this fatwa and did not object or comment on it means that the faqihs of Movarounnahr agreed on this fatwa.

Secondly, fifteenth, and thirtieth chapters deal with the judicial process in the judiciary, including adversaries and their requirements, types of lawsuits seen in the courts in the Middle Ages, swearing and confession, reversal, and bail (Hoji 1853, vol.2, pp. 66-337).

The faqihs of Movarounnahr did not ignore every action of the judge and set high standards of etiquette. Regarding the judge's greeting, Sadr Shahid said that the judge sits in the courtroom to distinguish between truth and falsehood. It is not a sin to greet him in court or not, because when he enters the presence of a teacher sitting with his students, it is considered impolite to greet those who are engaged in dhikr in the mosque and the judge sitting or entering the court (Hoji 1853, vol.2, p. 69).

In his work, Sadr Shahid can be seen to have chosen a broad path of swearing an oath to a non-Muslim defendant to determine the crime in the courts of Movarounnahr. This situation shows that the concept of interethnic harmony and religious tolerance in Uzbekistan during the years of independence did not form spontaneously in the minds of our people, but its cornerstones go back ten centuries. In the chapter on swearing allegiance to his people, Sadr Shahid gives the following opinion about the oath of a believer in Judaism, Christianity and Zoroastrianism.:

ف يحلف ال يهودى: بالله الذى لا اله الا هو الذى أنزل ال توراة على موسى. لان ال يهودى يقر
بذوبة موسى عليه الصلاة والسلام، ويعتقد ال حرمة فيه.
و يحلف النصرانى: بالله الذى لا اله الا هو الذى أنزل الانجيل على عيسى عليه الصلاة والسلام. لان النصرانى يقر
بذوبة موسى عليه الصلاة والسلام، ويعتقد ال حرمة فيه. بذوبة ع
و يحلف المجوسى: بالله الذى خلق النار

Translation: A Jew swears by the name of God, who revealed the Torah to Moses, that there is no God but Him. Because the Jew recognizes and respects the prophecy of Moses (pbuh).

A Christian swears by the name of God, who sent Bible to Jesus, that there is no God but Him. Because the Christian recognizes and respects the prophecy of Jesus (pbuh).

A Magus also swears by the name of God who created the fire (Hoji 1853, vol.2, p. 200).

This rule may seem simple, but it can be understood as a high expression of respect for the representatives of other religions and their beliefs in the lands of Movarounnahr in the Middle Ages.

It can be seen that in the mines of Movarounnahr special attention is paid to the issues of guarantee. In particular, the defendant in Sadr Shahid's trial is allowed to bail the defendant for at least three days or until the judge makes his final verdict, if the evidence presented by the plaintiff in cases of revenge, property, or family is weak or doubtful. However, if it is established that Defendant has committed a crime punishable by the Qur'an and the Sunnah, the guarantee is useless. For example: beating an adulterer with a hundred lashes, accusing him of drinking alcohol, but Sadr Shahid considers that if the defendant commits theft, he has the right to have a lawyer for up to three days (Hoji 1853, vol.2, p. 284). In medieval Movarounnahr courts, the acquisition of a guardian was an important legal status, and he believed that the revocation of a guarantor could only take place in the event of the death of the person requesting the guardian or the guarantor (guardian).

In the absence of a defendant in the trial court, the Movarounnahr judiciary can be seen to have acted in the following pattern, if witnesses testify that the defendant is in the exact house or elsewhere, the judge locked the house where the defendant was standing. When the plaintiff's evidence and witnesses are proven, the defendant is brought into custody. At this point, Sadr Shahid tells the criminals who committed the heinous crime that the judge did so. If the defendant was suspected of a crime and committed a minor crime, the judge sent his ambassador to his home accompanied by two witnesses. The ambassador says three times in front of the witnesses, "Oh son of so-and-so, the judge has ordered you to come to the court with the son of so-and-so, the son of so-and-so, who is at loggerheads with you". It was enough for the ambassador to hear this call from one of the family members, who was not supposed to hear the answer. The judge's ambassador, accompanied by witnesses, arrived for three days and warned the defendant (some even say three times a day). If the defendant did not appear before the judge within three days and clarify the situation, the judge announced his verdict in front of witnesses, representing one of the elders of the neighborhood or village where the defendant lived.

Sadr Shahid Movarounnahrli cites the differences of the faqihs. According to Hassof, the judge here could not rule on the disappearance until the defendant arrived. According to Abu Ali al-Nasafi, the judge counts with the representative when he is unable to communicate with the defendant and announces the verdict with his consent. According to Shamsu-l Ai'mma al-Halwawi, the judge must also mention the names of the ambassadors and witnesses who visited the defendant's house during the announcement of the verdict (Hoji 1853, vol.2, p. 330).

From this it can be concluded that the concepts of human rights, human dignity, which are being sounded in the modern Western world, show that in our country in the X-XIII centuries were perfected.

English Islamic scholar S. E. Bosworth concludes that in the Middle Ages, judicial institutions in the Movarounnahr courts were the backbone of the government and were far from free to operate (Bosworth 1969, pp. 113-164). It can be seen from the above example that the judge's humane attitude towards the defendant, on the contrary, leads to the conclusion that the Movarounnahr courts acted freely in public life.

Thirdly, chapters thirty-one to one hundred and twenty deal with criminal matters, including the arrest of offenders and witnesses, the work of the judiciary, various types of claims in social relations, representation, pensions, trade agreements, testimony, and its types. analyzed in detail (Hoji 1853, vol.3, p. 205., vol.4, pp. 3-564).

Sadr Shahid cites the fatwa of Shamsu-l A'imma as-Sarakhsi on the issue of crime and testimony, that is, a person who commits a major or minor sin *artkab* (irtikob) must be punished by law as an example to the public, otherwise social justice will not be decided (Hoji 1853, vol.3, p. 5). The judiciary pays great attention to the issue of witnesses who have the right word, honest, impartial approach to the discovery of a crime. According to Sadr Shahid, the judge's first goal is also justice:

العدل من لم تظهر عنه ريبة، لذلك عندنا لا تقبل الشهادة اذا كان فاسداً، و اضاف شمس الاثمة
لغوه. الحد لوانى أن ي قل

Translation: Justice is such a thing that there should be no room for doubt. Therefore, if a person who bears witness in our lands is a sinner, his testimony will not be accepted. Shamsu-l a'imma al-Halwani also added that the witness should not speak in vain (Hoji 1853, vol.3, p. 16).

It is known that in Islam, the rights of orphans are treated with caution. It can be seen that this custom has also received serious attention in the lands of Movarounnahr. Sadr Shahid believes that the judge is primarily responsible for the safekeeping of the orphan's property. When it is not possible for the judge to control the property of the orphan or to use it for the benefit of the orphan, the judge shall, of course, entrust the property of the orphan to one of the righteous believers and entrust him with the full use of the orphan. The property transferred to the guardian was legally deposited by the judge in the archives of the court. This document was legally valid until the orphan reached adulthood and used the property independently (Hoji 1853, vol.3, p. 77). If the guardian looted or neglected the transferred property, the judge deprived him of guardianship at any time. Sadr Shahid reports that the judge had a folder of guardians - خريطة -
la atirah) (Hoji 1853, vol.3, p. 78). It contains information about the applicants for guardianship.

Hence, it can be understood that not being indifferent to orphans proves that caring for them is a historical tradition for the peoples of Movarounnahr, including the Turkic peoples.

In Islam, judicial issues have always been related to the level of development of statehood, the complexity or simplicity of relations in society. Therefore, the activity of the judiciary has developed at a unique level in each period. By the tenth and thirteenth centuries, in the Arab-occupied territories, the judiciary had become an important apparatus of government. For this reason, the working order of the courts in the medieval Movarounnahr region also corresponded to the standards of the Abbasid period (132–656 / 750–1258). On the other hand, the Hanafi sect was dominant in the region during this period, and all judges acted on the basis of the sect's teachings formed in Iraq.

The principles created by the Iraqi faqihs, in particular the teachings of the Hanafi school put forward by Hassof, played an important role in the development of the judiciary in Movarounnahr. As a result of the experience of statehood formed in Movarounnahr and the great achievements of many scholars in the field of jurisprudence, a number of issues that did not exist in the Iraqi school were further refined and applied in the judiciary of Movarounnahr. It is worth mentioning the scholar Husamuddin al-Akhsikati, a contemporary of Sadr al-Shahid.

6. Results II

Information about the life and work of the great scholar Husamuddin al-Akhsikati is almost non-existent in the sources, but we can make some comments through the period in which he lived, the works he wrote, and the disciples he left behind.

The fact that Muhammad ibn Muhammad ibn Umar Husamuddin al-Akhsikati was famous in his time with the name of Abu Abdullah suggests that he was married during the lifetime of the scholar and that the name of his eldest son was Abdullah. The fact that Husamuddin was given to the people who were in the public eye of his time, as well as to the mature scholars who possessed several degrees of knowledge, shows that the scholar had a mature potential.

It is known from sources that Husamuddin al-Akhsikati was born in Akhsikat, one of the ancient capital cities of the Fergana Valley. This place was recognized as one of the capital cities of Fergana, and in the Middle Ages it was one of the most beautiful cities of the valley and one of the largest scientific centers of its time (Anorboev, Islomov & Matboboev 2001, pp. 5-29).

The sources encountered during the study do not record the date of the scientist's birth, but by examining the period in which he lived, we can show that the date of birth was about the end of the five hundred years and the six hundred years. However, sources mention the death of Akhsikati. According to some sources, the death of the scholar was 624/1227 (Qoriev 2009, pp. 85-86), and in other sources it is mentioned as the 23rd day of the month in Dhu'l-Qa in 644 A.H. (April 1, 1247) (Imam Muhammad, p. 110a).

The burial of the scholar in the "Quzzatus saba" (Seven Judges) cemetery in Bukhara is reported on page 66 of Ahmad ibn Mahmud Bukhari's Mu'in al-Fuqara's "Tarihi Mullozoda", translated by Shodmon Vahidov: "On the qibla side of the mausoleum, Khojai When walking towards the tomb of a scholar named Namadposh, the tomb of Mawlana Husamiddin al-Akhsikati, who is a relative of Mawlana Shams al-Aimma Kardari, appears. On the qibla side of the tomb of Mawlana Husamuddin is the shining tomb of Qazi al-Imam Fakhruddin. He is known as Qazikhan and he is al-Imam al-Hasan ibn Mansur ibn Mahmud ibn ab al-Aziz al-Marghinani". Hence, Husamuddin al-Akhsikati was buried next to the scholar Qazikhan (592/1196). Today, several buildings have been erected on the site of the cemetery. Today, if a symbolic mausoleum is erected on the site of the cemetery, the question arises as to where is the tomb of the scholar. According to locals, after the cemetery was replaced by a major highway and several projects, the graves in the cemetery were opened, and the bones were transferred to the "Abul Hafs Kabir" cemetery, known as "Hazrati Imam", and replaced by the "Seven Judges" Cemetery. The symbolic mausoleum "Dahmai behishtiyon" was erected¹⁰.

¹⁰ This symbolic mausoleum is located 500 meters from the first traffic light on the way from the "Labi Hovuz" to the College of Law in Bukhara. It consists of a symbolic tomb.

The mausoleum of "Dahmai Behishtiyan", erected on the site of the "Seven Judges" Cemetery, means "Paradise". Indeed, it was renamed in honor of the fact that there are graves of more than two thousand scholars lying here. Based on the above information, it can be assumed that the tomb of the scholar is in the "Abul Hafs Kabir" cemetery, now known as "Hazrati Imam". This cemetery occupies a large area and is named after the jurist Abu Hafs Ahmad ibn Hafs ibn Zibarqan ibn Abdullah ibn Bahr al-Kabir al-Ijli al-Bukhari al-Hanafi, who turned Bukhara into the city of Qubbat al-Islam. Entering the threshold of the mausoleum, we find information about the scholar on the left wall.

The sources also have almost no information about the scholar's teachers. In every age, man does not have to be a teacher to reach the level of a scientist, because science is like digging a well with a needle. The teaching of a teacher does not lead to the level of a faqih, so we can make assumptions about his teachers based on the works written by the scholar and the period in which he lived. Although Husamuddin al-Akhsikati was born in the city of Akhsikat in the Fergana Valley, he must have traveled to several cities in search of knowledge. In particular, the cities of Basra and Damascus were once centers of advanced science. Thus, it can be concluded that Akhsikati also traveled to Basra and Damascus in search of knowledge and worked in Bukhara in order to increase his scientific experience. The fact that the faqih lived in the same place at the same time as Qazikhan and was buried side by side in the same cemetery is an indication that he continued his education from Qazikhan. Of course, Abu al-Hafs al-Kabir and his disciples, as well as Abu Mansur Muhammad ibn Muhammad al-Moturidi (d. 945)¹¹, Abul Abbas Ahmad ibn Muhammad ibn Marwan as-Sarakhsi (d. 1047)¹², and Imam Fakhrulislam were the spiritual teachers of Akhsikati. We can also mention such scholars as Abul Hasan Ali ibn Muhammad ibn Husayn ibn Abdulkarim al-Bazdavi (d. 1089)¹³, Husamuddin Sadr Shahid 473/1090, Imam Abu al-Mu'in Maymun ibn Muhammad ibn Muhammad Makhul an-Nasafi (d. 1144)¹⁴ whose scientific heritage he studied.

The fact that Husamuddin al-Akhsikati had many disciples and that their names were stamped in the sources indicates that Akhsikati was a great scholar. The most popular among his students are:

1. Fakhriddin Muhammad ibn Umar ibn Muhammad ibn Ilyas al-Maymirgi. There is no information about the scholar, only al-Signaqui's commentary on Muntahab al-Husami mentions that he was a student of Husamuddin al-Akhsikati.

2. Abu Muzaffar Muhammad ibn Umar ibn Muhammad Nawhabazi Hanafi¹⁵. He was born in 616/1219. He went to Damascus, where he taught, and died there in 668/1270. In his method, he wrote *Kashf al-ibham li raf' al-awham* ("Discovering the Mystery to Raise Terror"),

¹¹ He was born in the village of Moturid near Samarkand. Abu Bakr Ahmad Jurjani is his teacher of jurisprudence. Although he was a scholar in the field of kalam, he wrote "*Kitab al-jadal*" (The Book of Dialectics) and "*Kitab ma hazi ash-Shari'a*" (The Book of the Fundamentals of Shari'ah) in the field of usul al-fiqh.

¹² "*Tamhiy al-fusul fi al-usul*" is on the science of fiqh.

¹³ Educated in Samarkand, he is one of the famous scholars of the Hanafi school. "*Kashf al-asrar sharhi usuli Bazdavi*" is one of the most popular commentary works in the science of usul al-fiqh. Imam al-Bazdavi also wrote commentaries on the two volumes of "*Mabsut*", "*Al-Jame' al-Kabir*", and "*Al-Jame' as-Saghir*".

¹⁴ He was born in Nasaf (ancient Karshi). The scholar's "*Manor al-Anwar*" is well-known in the field of usul al-fiqh, with 25 commentaries.

¹⁵ The name of village in Bukhara.

Kashf al-Asror ("Revealing the Mysteries") and Talxis al-Quduri ("Abbreviation of Quduri"). works are available.

3. Abu Bakr Muhammad ibn Ahmad ibn Umar Bukhari Jalaliddin Iydi. He was one of the great hadith scholars. He has a work in Persian called Jome' al-Ulum (The Collection of Sciences). He died in 668/1270 (Hoji 1853, vol.2, p. 1853).

4. Muhammad ibn Muhammad ibn Muhammad Qubavi Hanafi. He was from Marginon. His works include Al-Jame 'al-Kabir (The Great Collection) and Nazm al-Jame' al-Saghir li-sh-Shaybani (The Poetry of the Small Collection of Shaybani). The scientist died in 730/1330 (Kurashij 1993, p. 74).

If we study the period of the scholar's life, Husamuddin al-Akhsikati lived in the XI-XII centuries at a time when science was advanced, but there was a period when the struggle for the throne was in full swing.

Shortly before the time of Akhsikati, the Karakhanids (Haqqani), who were subject to the Seljuks, ruled here. The Qarakhanids were a state that had not been subordinated to anyone before, but the Seljuk ruler Malik Shah (480–481 / 1087–1088) conquered the land but ruled through the Qarakhanids. However, in 536 / 1141–1142, the Seljuk ruler Sultan Sanjar lost Movarounnahr to the Buddhist and Shamanist Karahitai. Like the Seljuks, the Karakhanids left government to the Karakhanids. The Karahitays were a Mongol state that ruled Movarounnahr in Eastern and Western Turkestan from 1130–1211. After them, in 607/1210, the Khorezmshahs came to power and the rule of the Karakhanids came to an end, but shortly afterwards, in 616–617 / 1219–1220, the Mongols who came here destroyed some parts of Movarounnahr and massacred the people. However, the fact that many scholars grew up in Axikent during this period and the history of writing most of the works is connected with this place testifies to the fact that this city was one of the administrative centers in its time.

Historically, Khorezmshahs (1097–1231), Ghaznavids (963–1186), Iraqi Seljuks (1118–1194), Zangi (1127–1233), Ayyubids (1171–1252), and Fatimids (909–1171) lived in these areas at the time the rule of states such as the Mujahideen (1130–1269) continued. The Abbasid Caliphate was well developed among them.

It was at this time that there were two great dangers facing the Islamic world. The Crusaders in the West (1096–1291) and the Mongols in the East. Jerusalem, captured by the Crusaders in 492/1098, was recaptured in 583/1187. The Mongol invasion began in the east in 616/1220 and reached Baghdad in 656/1258, when the Abbasid caliph was assassinated and unprecedented massacres took place. This was a difficult time for the Islamic world, both politically and militarily. The crusades by the crusaders and the Mongols on the outside, and the conflict between the Sunnis and the Shiites on the inside, weakened the Islamic State.

In short, if the short-term rule of the Khorezmshahs (607–616 / 1210–1219) was not taken into account, the Ahsikat was largely ruled by non-Muslim or Muslim-neutral states such as the Mongols. Despite the conspiracies and wars of this period and the weakening of the Islamic world, scholars such as Akhsikati were able to engage in science and write works. Due to the above reasons, insufficient information about the life and work of Akhsikati has been received. Despite such difficult conditions, Islamic scholars continued their scientific work.

Among the well-known Hanafi scholars in the field of jurisprudence are Osmandi (552/1157), the author of "Bazm an-nazar", Hasani (587/1191), the author of "Badoiy",

Marginoni (593/1197), the author of "Xidoya", Mawsili (683/1284), the author of "Al-Ikhtiyar li Talamil Mukhtar", Malik ibn Rushd al-Hafid (595/1198), the author of Bidaya al-mujtahid ila az-zaruriy fil usul al-fiqh, Ibariy (616/1219), the author of Sharh al-Burhan, Ibn Shawsh (616/1219), author of "Abd al-Jawahiri Samina and Mukhtasar al-Mustasfa", Ibn al-Hajib (646/1249), the author of "Mukhtasar al-Muntaha", Shafi'i Fakhridin ar-Razi (606/1210), the author of "Mahsul", Amidi (631/1233), the author of "Al-ihkam fi al-usul al-ahkam", Hanbali ibn al-Jawzi (597/1201), the author of "Ahkam al-nisa", Ibn Qudama (620/1223), the author of Mughni and Rawza an-Nazr". Among them Osmandi's "Bazm an-nazar" and Ahsikatiy's "al-Nuntahab" play a special role in the field of jurisprudence. The work of Osmandi used the Mutakallimun, especially the "Mutamad" of Abul Husayn al-Basri (436/1044), and was written in favor of the Hanafi method and against the Mu'tazilites. This is why it was not popular at the time (Mehmet 2017, pp. 21-24).

7. Discussion II

We have received a number of works by Husamuddin al-Akhsikati. They are:

1. Al-Mukhtasar fi usul al-fiqh. ("Abbreviation for the Fundamentals of Fiqh") (Also known as "al-Muntahab fi usul al-Hanafiya" or "Muntahab al-Husami").
2. Miftah al-Usul ("The Key to the Fundamentals of Fiqh")
3. Extreme research ("Peak of Research")
4. Daqaiq al-usul wat-tabyin ("Clarity and Interpretation in Sources") [8: p. 13]

Among them, "al-Muntahab fi usul al-Hanafiya" plays an important role as well. This work is also called "Muntahab al-Husami".

From the above information, we can conclude that the scholar Husamuddin al-Akhsikati was a mature muhaddith, mutakallimi, faqih and mentor of several scholars of his time. The fact that he left one of the scholar's works, "Muntahab al-Husami", as an anonymous work without even giving it a name, shows the scholar's humility. "Muntahab al-Husami" has been variously named by commentators. The manuscripts of the work are stored in several manuscript treasures of the world, as well as in the Manuscript Fund of the Institute of Oriental Studies named after Abu Rayhon Beruni of the Academy of Sciences of the Republic of Uzbekistan. Four copies of - 1089 (volume 151 pages), №1161 (size 122 pages), 61162 (size 80 pages), 31163 (size 72 pages) are available at the Juma-l-Majid Cultural Heritage Center in Dubai, United Arab Emirates; The Egyptian National Library, treasure trove of manuscripts, has a copy under the serial number №190 and the State Library of Berlin in Germany under the serial number №4858. Many manuscripts of commentaries and margins on "Mukhtasar al-Husami" are also preserved in various manuscripts around the world. For example, copies of the commentary on this work by al-Aziz al-Bukhari, entitled "at-Tahqiq", are available in the "al-Zahiriyya" library in Damascus, Syria, are stored under the serial numbers №2868 (351 pages), №5619 (229 pages), №7738. (size 240 sheets).

Copies of this commentary are kept under numbers №3466 (286 pages) and №99 399 (222 pages) at the Juma-l-Majid Cultural Heritage Center in Dubai. Imam Qawamiddin Amir Kotib ibn Amir Umar Itqani also wrote a commentary called "At-Tabyin" on this work. Manuscripts of the commentary are kept in the National Library of Egypt under serial number

142, in the Library of Alexandria under serial number №3634, and in the State Library of Berlin in Germany under serial number №4588.

A manuscript of the commentary, "al-Wafi", written by Imam Hisamiddin Husayn ibn Ali ibn Hajjaj as-Signaqi, is kept in the famous "Juma-l-Majid" Cultural Heritage Center under serial number №43. Also, a commentary written by Abu Muhammad Abdulhaq ibn Muhammad Amin is called "an-Namiy". His manuscript is also kept at the "Juma-l-Majid" Cultural Heritage Center under serial number 4374. A form of lithography has been published in India. Among the commentaries mentioned above, there are many commentaries by scholars such as Hafiziddin Abdullah ibn Ahmad an-Nasafi, Muhammad ibn Muhammad ibn Mubin an-Nawawi Abulfazl, and Yusuf ibn Shahin Sabt ibn Hajar al-Asqalani.

Manuscripts of the work are kept at the Institute of Oriental Studies named after Abu Rayhan Beruni of the Academy of Sciences of the Republic of Uzbekistan under the serial numbers №2674, №4944 / I, №8396, №8857, 10718 / I. The manuscripts are preserved in a very beautiful form.

The date under the serial number №2674 is not indicated in the manuscript of this work. At the beginning of the page is the title of the work. The work was copied onto a paper in the form of a suls in a naskh letter. The number of pages is 312, the format of the pages is 22.5x13.5 cm, the main text consists of 3 lines, the interpretation of the sponsor is given around the main text and 5 lines between sentences. The manuscript is written in Arabic. On the front page of the book is a seal with the name "Abd ar-Rahman ibn Qazi Tulak." The book was commented by the Sponsor. The text of Husamuddin Akhsikati's "Muntahab" is given in Naskh script in plain form with large inscriptions, and the commentary of Homi is given in Naskh letter in suls form. The manuscript is well preserved. The pages are not torn. The cover is black. After printing:

[..... ملأ و دمحم هلوسر يل ع قولصل او فنسل لون يل ع لال دم دعب ام]

There is no end to the text. The text on the previous 10 pages is taken from the red table.

Also, the manuscript, kept under the serial number №4944 / I, was copied for 726 years. The pages are damaged and the edges are torn. The text of the manuscript is the same as the text of the manuscript quoted earlier. The format of the pages is 17.5x13 and consists of 49 pages. The text consists of 13 lines. The previous pages of the book are missing, the text is given in a half-letter.

Colophon:

[لحيف الخاطي الحافي المدعمرهان اسود محمد جعفر محمد الحسنوي الوانكنوي ا في عضل ا دب عل ا ري ق فال ا
غفر الله له و والده و احسن اليها و اليه و لجميع المؤمنين و المؤمنات و المسلمين و المسلمات اللهم علما آمين رب
ال عالم بين.]

It is known from the colophon that the copyist of this manuscript was Mad Umarkhan asad Muhammad al-Husseini. The manuscript is sealed in several places. The seal bears the name "Muhammad Porso Foundation". This manuscript is one of the oldest manuscripts of this work kept at the institute.

The manuscript, stored under the serial number №8396, is 24x15 in size, 110 pages in size, and consists of 9 lines. It is written in Naskh script in Arabic.

Beginning:

اما ب عد حمد الله على ذواله وال صلوة على رسوله محمد و آله فان اصول

Ending:

ده كان ل يس... غيرته تمام شدك تاب ح سامی ت مو معنی الاف رادان... كل مسمی بان فرا

The book is written on oriental paper.

The date of writing or copying of the manuscript kept under serial number 58857 is not indicated. Size 19.5x12.5, size 143 sheets. The line consists of 3 lines. It is written in Nasta'liq in Arabic. The last pages are missing.

The beginning:

اما بعد حمد الله تعالى نواله وال صلوة على رسوله محمد وآله فان اصول الشرع ثلاثة

Ending:

و اذا اصلح ل لوقت و الشرط والسواء عند الكوفيين وهو قول ابو حذيفة رحمه الله و عند قولهما وهي ل لوقت وي جازى ال بصريين وهو

Comments in parentheses are given on pages 1b-45b, 53a-96a. There are no comments on the pages in between.

Also, the format of the manuscript sheets stored under the serial number 10718 / I is 17.5x13 and consists of 49 pages. The text consists of 13 lines. The size is 76 sheets (1a-76a), the line consists of 13 lines, the size is 25x14. It is written in oriental paper in the Nasta'liq script in Arabic. The translator is Mawlana Abd ash-Shukur Muhammad Sharif al-Bukhari. The date of copying is 1310/1893. There is a seal on the cover. The name of the sahhof in the seal is Mir Odilkhoja sahhof. The book has no flaws. There is even a colophon.

The beginning:

ال سنة حمد الله على نواله وال صلوة على رسوله محمد وآله فان اصول الشرع ثلاثة الكتاب و
اجماع

Ending:

الاف راد و معنی الاف رادان يع تبر كل مسمی بان فراده كان ل يس معه غيره الحمد لله على
الات مام

Colophon:

قد تمت الكتابة بعون الملك ال لطيف من يد ابن اس تاذ ال علماء قاضي مولانا عبد الشكور
صدر محمد شريف ال بخاري

Not surprisingly, this book is considered one of the rarest works, and the calligrapher has raised it to the level of a work of art, emphasizing the letters in a beautiful red color.

8. Conclusions

In conclusion, we can say that although many works have been written in Islamic jurisprudence, but the scientific heritage of these two great scholars has a special place. The study of their works is the focus of many researchers. Reading, studying and translating them will greatly serve the next generation in the study of Islamic sciences and their development.

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