

HERITAGE LAW ISSUES IN ISLAM ACCORDING TO HADITH SOURCES

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DOI: 10.5958/2278-4853.2022.00323.8

ABSTRACT

The article discusses the cities of Central Asia, which became centers of Science in the Middle Ages, and the scribes who grew up and contributed to the development of various fields of science. Due to the good reception of Islam by the local population and the stable political situation in Movarounnahr, Sciences developed here, especially since many famous scholars of jurisprudence grew up, and they carried out many itshs on the science of inheritance. Along with these, Hadith scholars have made a great contribution to the science of inheritance, and the article also mentions their work.

KEYWORDS: *Method, Furu, Fukahos, Faroiz, Valo, Muloana, Lineage.*

INTRODUCTION

Central Asian scholars have also made a significant contribution to the development of the Islamic religion and related secular disciplines such as Arabic, logic and puberty. Apart from the sciences that existed at that time, the great ones who founded several new Sciences also grew out of movarounnahr. The development of Islamic culture, the achievement of high progress by Muslim countries means to what extent the attitude of the Islamic religion towards science has been. Also, in the teachings of our religion, the search for knowledge from the cradle to the grave is prescribed to every Muslim and Muslima.

According to historical data, Samoni (875-999) was experiencing a period of formation of works created in our country in different areas of jurisprudence during the reign of the rulers. And in the era of the karakhanids (999-1212), we see that the development and evolution of jurisprudence in the Movarounnahr has increased even more. As a result of the decision of the karakhanid state, Movarounnahr's ties with Khorasan were weakened and the basis for the independent development of the standing local schools was laid. The strengthening of autonomous management in central cities has led to the expansion of the sphere of influence of the group of scribes. Bukhara and Samarkand became real centers of science. Nasaf, Marv, Fergana jurists also operated in these cities. The Faqihs of this period have greatly increased the work on the science of faroism. While many of them learned about heritage in their works on jurisprudence, some of them also taught independent books on the subject. In general, Central Asian scholars have been more concerned

about Fiqh's methods and Furu. Among the Central Asian scholars who have contributed to the development of the science of Usulul fiqh, one can cite Abu Mansur al-Moturidi, Imam Abu Zayd ad-Dabusi, Imam Ali ibn Muhammad ibn Abdulkarim Fakhrul Islam Bazdavi, Imam Abul Barakat Abdullah ibn Ahmad ibn Mahmud Hafiziddin an-Nasafi, Shamsul-aimma as-Sarakhsi and other scholars. The books "Mabsut", "Al-Hidoya", "Badoe'us-Sanae", "Al-Viqoya", "Kofiy", "Tohfatul fuqaho", "Fatovo Gazikhon", "Mohitul Burhaniy" and many others were classified in our country on Furuul fiqh. Separately, it should be noted the uniqueness of the contribution of the authors of these books to the development of heritage science. After all, the science of inheritance is one of the sections that is part of the science of jurisprudence. Judgments concerning heritage science our scholars such as Isaac ibn Rohavayh al-Marwazi, Abdullah ibn Mubarak al-Marwazi, Imam Nasaiy, Imam Bukhari, Imam Termizi, Imam Dorim, etc. can be cited as scholars who have grown up in the field of Hadith science from Movarounnahr and have received worldwide recognition as great contributions to the development of this science. Imam Bukhari in his book "Al-Jomi'as-sahih" touches widely on the covenants of inheritance and will, paying special attention to the same topic as his 85th chapter "Kitab al-faroiz". One of the few controversial issues in Faroese in one of the chapters of the book addresses the issue of the inheritance of the brothers with the grandfather, under the title "Chapter on the inheritance of the brothers with the grandfather", Abu Bakr, Ibn Umar and Ibn Zubayr say: "The grandfather is the father. "When one looks at the rule that Imam Bukhari's views on jurisprudence are taken from the titles of the chapters, it follows that Imam Bukhari jumhur chose the same opinion as in the Abu Hanifa sect in defiance of the scholars. Also, Imam Bukhari is another of the controversial issues between the faqihs, according to a narration from Hazrat Ali on the issue of the Sons of two uncles, who are heirs to the deceased woman, says that both the deceased's husband and the cousin, who is the son of his uncle, equally will be divided in the middle. In many of Faroese's books, muloana's legacy tried to reveal the legacy of the one who claimed the lineage, the legacy of the lakit (found man), the legacy of the Freedmen (saiba), the legacy of the captive, the legacy of the child, the boy's mine and verse, Hadith, and a number of other judgments.

Another of the famous Central Asian muhaddis, Abu Muhammad Abdullah ibn Abdurrahman ibn Fazl ibn Bahram ibn Abdussamad Tamimi Samarqandi Dorimi also calls his masterpiece "Sunan" book 21 "كتاب الفرائض" ("Book on the right of inheritance"). This book begins with a chapter on "The study of Faroese science". It also concentrates hadiths devoted to issues of inheritance of spouses, daughters and sons, brothers and sisters, grandparents and momos, Mamluks and people of the books.

In the book, the shares of distant and close relatives, muloana (Note: the husband who accused his wife of adultery had no other witness than himself, and the wife cursed each other before his judge for not recognizing this guilt as slander. If the wife has become pregnant, the child born to her will not be compared to the father. Here it is mentioned that such a child, like a child born of adultery, will inherit only from the mother and relatives from her side), a Murderer, a captive person, a child born of adultery, non-hereditary situations, a slave emancipation cause to be an heir (الولاء) and many hadiths on other topics are presented.

This “كتاب الفرائض” (“Book on inheritance law”) book by Imam Dorimi contains 56 chapters in total, 324 hadiths.

Abu Jesus brought 20 chapters, 27 hadiths under the general title of Muhammad Termizi, known as “Sunani Termizi”, called “Jome” “أبواب الفرائض عن رسول الله” (“Hadiths who came from Rasulullah on faroiz”). Imam Termizi says that many Faqih people, including Abu Hanifa, Shafe'i, Malik and others, will have the heritage of a polytheist who has entered Islam under Muslim hands without any other heir. This judgment is supported by the hadith narrated by them from Tamim ad-dari: “The man asks the Prophet what guidance is there regarding the polytheist who has entered Islam in the hands of a Muslim. They say that the Prophet (peace be upon him) has the right to life and death of him. “Imam Termizi also says that his husband inherits the murdered woman not only from her husband's goods, but also from Khuni (diya), and brings to these words the letters of the Prophet to Kilobiy”. It says that the Prophet aalyhissalom wrote to him and said, “Make the wife of Asyam Dobabi a successor to her husband's diet?”

In conclusion, the works written by them show that the muhaddis of movarounnahr also occupied a significant place in the resolution of many sensitive issues in the field of fiqh and Faroese, one of its great chapters. It should be noted separately that if the muhaddis did not have these painstaking work, a large part of the issues related to Faroese science, although this was a Fiqh topic, the correct solution would be much more difficult.

USED LITERATURE

1. Sheikh Mohammed Sadiq Muhammad Yusuf. The contribution of movarounnahr scholars to world civilisation. Tashkent. 2013.
2. Muminov A. “Movarounnahr Muslims: Hanafis”, Oriental Studies, issue 9, 1999.
3. Abdulaziz Mansur. Translation and interpretation of the meanings of the Quran. T. Tashkent Islamic University. 2004.
4. Encyclopedia of medieval eastern scholars. Ziyadov Sh. a team of scientists under the leadership of. 2016
5. ابن حجر العسقلاني. فتح الباري شرح صحيح البخاري. ج12, ص
6. Dorimi Samarqandi Abu Muhammad Abdulah ibn Abdurrahman. Sunani Dorimi (Elective). Translators: Usmanov I. Alimova M. and so on. “Tashkent Islamic University”, 2011
7. 264المباركفوري أبو العلي محمد عبد الرحمن. تحفة الأحوذى بشرح جامع الترمذى دار الفكر 1979 ج6ص