

THE HISTORY OF JUDGES WHO WORKED IN THE SAMARKAND REGION AT THE END OF THE 19TH CENTURY - THE BEGINNING OF THE 20TH CENTURY

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***Abstract.** The activities of qozikhonas (place of the court session) and the judges working in them are of great importance in the provision of justice and implementation of Sharia laws in Turkestan. In the territory of Samarkand region, there were many qozikhonas, where educated and learned persons of their time worked there. As a result of their efforts, justice was ensured in the country. This article describes the information about the history of the judges who worked in the Samarkand region at the end of the 19th century and the beginning of the 20th century.*

***Keywords:** judge, justice, Islamic science, Sayyid Bahadir Khan, Jumabazar volost.*

The word qazi (muslim judge) is derived from the Arabic word “qaza”, which literally means “to cut”, “separate” and “to judge”. Courts also operated in Samarkand during this period. The influential and learned persons of that time played a major role in leading such courts and establishing their regular activities. One such person is Qazi Sayyid Bahadir Khan ibn Sayyid Ibrahimkhoja, who also did great work in this regard.

Sayyid Bahadir Khan was born in 1860 in the village of Safokhoja in the present-day Ishtikhan district. According to family tradition, this place was the historical place of Sayyid Eshonkhoja’s lineage at that time. One of his ancestors, Sayyid Karakhoja Bukhari, founded this village with his brother Sayyid Abdurahmonkhoja Bukhari and his son-in-law Muhammad Safakhoja (mudarris).

This generation was one of the ancient generations of Sayyid Khojas. In the genealogy book, 38 generations of them are listed from Prophet Muhammad (s.a.v) to the ancestors of Sayyid Bahadir Khan. He was a descendant of Salih Ato (Father) ibn Amir Hasan ibn Burkhaniddin Suleiman al-Qadiri al-Bukhari from his father’s side. Information about the genealogy of the family is preserved in the “Nasabnomai sharif” manuscript kept by the descendants of Qazi Bahadir Khan.

His father, Sayyid Ibrahimkhoja, was a craftsman, an expert in Islamic science, and a sharia teacher. He taught his son Islam from childhood. Sayyid Bahadir Khan’s grandfather and father had extensive knowledge of religion and the history of his ancestors. Various hadiths from “Sahihul Bukhari” were recited at nights in their house.

Sayyid Bahadir Khan knew the Qur’an by heart at the age of 12. He received his primary education in the village madrasa of his ancestors. He re-reads all the books in the madrasa, he studies the books written in Arabic, Persian and Turkish languages belonging to his ancestors at home. He continued his studies at Mir Arab Madrasah, a famous Central Asian madrasah in Bukhara. Here Sayyid Bahadir Khan perfectly mastered Arabic and Persian languages. He studies Islam, history, philosophy and jurisprudence, gets acquainted with the works of Aristotle and Socrates. He studies the works of sages such as Naqshbandi, Yassavi, Kubrovi, Ibn Sina, and learns their poetry.

In addition, he studies the works of Navoi, Sheroziy and many other great poets and philosophers. He studied at the Mir Arab Madrasah, which was famous at that time, and became the head teacher of mudarris. Excellent knowledge and strong scientific potential allowed Sayyid Bahadir Khan to occupy the post of judge of Ishtikhon district in 1895. At the same time, he also taught at the Mir Arab madrasa and the village madrasa located in the village of Safokhoja.

By the end of the 19th century, Eshon Bahadir Khan, a supporter of the Hanafi sect, became one of the most influential scholars in the Samarkand region. He took an active part in promoting the teaching of Islam, sharia, fiqh and naqshbandiyyah. In 1911, he built a large khanaqah¹ for his fund in the center of Ishtikhan on the east side of the city market. There were mosques, libraries and zikr rooms used for prayers, gatherings and zikr activities in khanaqah. The cells were located around the zikr room. At the moment, the central city market “Ishtikhan Dehkan Bazaar” is located in the place of the khanaqah.

Qazi Sayyid Bahadir Khan was a judge until his death in 1916. In the last years of his life, he lived in the village of Safokhoja in Ishtikhon district, where he was born and raised. After his death, he was buried in the Safokhoja cemetery.

After the Russian Empire conquered the country, it introduced its style of administration. Such works were also carried out in Samarkand. In particular, the Samarkand uezd was established here, and Jumabozor region was turned into a volost. But during this period, due to several reasons, the post of judge was preserved in the administration of the volost. As in the whole country, the post of judge functioned in Jumabozor volost during this period. According to the information provided by M. Virsky and V. Vyatkin, the volost included such villages as Elpak, Talli ota, Boghizogan, Sari Asia, Payshanbasiyob [2], Rabat, Dargom, Uzun [3], Yastepa, Navzandak, Shokhkash, Shopulot and Adas [6]. These villages were considered the activity region of the volost courts.

When studying the history of courts operating in Samarkand region, the documents of that period are of great importance. Currently, the Central State Archive of the Republic of Uzbekistan keeps “Jumabozor judicial documents”

under number F-377. These documents are an important source about the activities of judges in “Jumabozor volost”. It is compiled into 75 volumes [9].

From the time Jumabozor was established as a volost, with a short break (from the middle of 1884 to August 1887, Mullah Muhammad Vali Khoja bin Aftab Khoja was the judge) until the end of 1888, Mulla Qazikhoja ibn Qazi Mullokhoja worked as a judge. During his career, he did many things for the benefit of the people. This was important in ensuring justice among the residents of the region.

In 1888-1889, Mullah Mir Ma'sum ibn Khalifa Mohammadi, who served as a judge in this volost, continued the work in this regard. In particular, during this period, studies of complaints and objections expressed by the people and finding a fair solution to them were strictly controlled. Strict adherence to sharia guidelines was required in every case. Under the rule of the Russian Empire, doing such work for the population suffering from colonial oppression certainly required great courage.

The colonizers of the Russian Empire appointed representatives of local nationalities to the lower administrative bodies. With this, the colonialists aimed to rule the local people through representatives of the local nation. The same situation can be observed in Jumabozor volost. In particular, the volost was headed by Mullah Sultan Goipov in 1894, and Mullah Buzrug Khoja Avliya Khoja Mirakoniyy worked as a judge during this period [1]. In 1903-1904, Rakhmonqulibek Haydarbekov, in 1904 and 1907, Mahmud Abdujabbarov [5], in 1905, Ahmad Khudoinazarov, and others worked as the head of the volost.

As mentioned above, the position of judge was also considered important during this period, and the colonial authorities were forced to appoint representatives of the local people to this position. In particular, during this period, judges such as Mullah Mir Muqaddas ibn Mullah Mir Saidgani (1897, 1903-1908) [4] and then Mullah Mirsadiq ibn Mullah Mirma'sum (1909) [7] conducted court and judicial affairs in the position of people's judge (judge) of Jumabazar volost.

In this regard, detailed information was given in “Jumabozor judicial documents” stored in the fund of the Central State Archive of the Republic of Uzbekistan. This document contains valuable information about the ancient location, economic potential, mutual trade and ownership relations of Jumabozor, surrounding villages and towns.

At this point, it is appropriate to provide information about the above-mentioned judges, their lives and activities. In particular, Mulla Qazikhoja ibn Qazi Mullahkhoja was one of the mature scholars of his time, worked as a judge and gave fatwas related to shariat. From this information it can be understood that he was a “Mufti”. This information is confirmed not only by local residents, but also by historical documents [10]. Qazi Mulla Qazikhoja ibn Mullahkhoja Samarkandi died at the beginning of 1328 h (1909). He was buried in the famous “Imam” cemetery².

Mulla Mir Muqaddas ibn Mulla Mir Saidgani, who worked as a judge during this period, worked as a mufti along with his work as a judge. Because his seal says “Mulla Muqaddas Mufti ibn Qazi Mulla Sayid Gani Mufti”. This “seal” was stamped to several fatwa documents, which are now kept in the Samarkand museum-reserve [8]. It is clear from the above information that it is important to study the history of judges of Jumabozor volost. This, in turn, allows for a deeper study of the history of courthouses operating in Samarkand at that time.

In conclusion, in the Samarkand region, the judiciary and courthouses operated on the basis of sharia guidelines. In such courts, which were in harmony with the principles of Islam, the complaints of the people were received and appropriate judgments were issued in each case. The knowledge and scientific potential of the judges working in that court played a big role in the effectiveness of the courts and the provision of justice. Qazi Sayyid Bahadirkhan, Qazi Mulla Qazikhoja ibn Mullokhoja Samarkandi, who worked in Samarkand, and other mature judges of their time did great work in this regard and were respected by the people.

Notes

¹ Khanaqah – a house where dervishes, qalandars, as well as foreigners and poor people stay and live – qalandarkhana, dervishkhana. In Muslim countries, it is also called zawiya, takya, rabat.

² According to local residents, Qazi Mullo Qazikhoja was first buried in the Dongqishlok cemetery in the south of Jumabazar, and after a few years, for unknown reasons, his grave was moved to its current location.

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10. №820: КП 115/6, 937: КП 1237, 818: КП 115/4 documents were the first to be stamped by Mullah Qazikhoja. This once again shows the greatness of his level. See more about the text of these documents: A Catalogue of arabic-script documents from the Samarqand museum. Under the direction of Jurgen Paul, Shahun Mustafojev and Bahrom Abduhalimov. Samarqand-Istanbul. – 2012. – Pp. 380-381.

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ИСТОРИЯ СУДЕЙ, РАБОТАВШИХ В САМАРКАНДСКОМ РЕГИОНЕ В КОНЦЕ XIX ВЕКА - НАЧАЛЕ XX ВЕКА

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***Аннотация.** Большое значение в обеспечении правосудия и реализации законов шариата в Туркестане имеет деятельность *qozikhojas* (место судебного заседания) и работающих в них судей. На территории Самаркандской области было много *qozikhojas*, где работали образованные лица своего времени. В результате их усилий в стране была обеспечена справедливость. В данной статье описываются сведения об истории судей, работавших в Самаркандской области в конце XIX - начале XX века.*

***Ключевые слова:** судья, правосудие, исламская наука, Сайид Бахадир Хан, Джумабазарская волость.*