

**O‘ZBEKISTON XALQARO ISLOM AKADEMIYASI
HUZURIDAGI ILMIY DARAJALAR BERUVCHI
DSc.35/30.12.2019.Isl/Tar/F.57.01 RAQAMLI ILMIY KENGASH**

O‘ZBEKISTON XALQARO ISLOM AKADEMIYASI

SAIDJALOLOV SAIDAFZAL SAIDXANBALOVICH

**MAHMUD ZAMAXSHARIYNING “RUUSUL-MASAIL“ ASARIDA
HANAFIY MAZHABI TALQINI**

24.00.01 – Islom tarixi va manbashunosligi

**TARIX FANLARI BO‘YICHA FALSAFA DOKTORI (PhD)
DISSERTATSIYASI AVTOREFERATI**

TOSHKENT- 2023

**Tarix fanlari bo‘yicha falsafa doktori (PhD) dissertatsiyasi avtoreferati
mundarijasi**

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Historical Sciences**

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Dissertatsiya O'zbekiston xalqaro islom akademiyasida bajarilgan.
Dissertatsiya avtoreferati uch tilda (o'zbek, ingliz, rus (rezyume)) Ilmiy kengash veb-sahifasi (www.iiu.uz) hamda "ZiyoNet" axborot-ta'lim portali (www.ziynet.uz)da joylashtirilgan.

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Dissertatsiya bilan O'zbekiston xalqaro islom akademiyasi Axborot-resurs markazida tanishish mumkin. (135 raqami bilan ro'yxatga olingan). (Manzil: 100011, Toshkent shahri, A.Qodiriy ko'chasi, 11-uy, Tel: (99871) 2440091).

Dissertatsiya avtoreferati 2023-yil "_____" iyul kuni tarqatildi.
2023-yil "_18_" iyuldagi _7_ raqamli reyestr bayonnomasi).

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KIRISH (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Jahon tamadduni taraqqiyotida musulmon huquqshunoslarining o'ziga xos o'rnini tanikli faqihlar asarlarining ingliz, fransuz va rus tillariga tarjima qilingani bilan izohlanadi. Mahmud Zamaxshariyning tilshunoslik, (اللغة) adabiyotshunoslik (الأدب), grammatika (النحو), ritorika (البلاغة), tafsirshunoslik (التفسير) kabi sohalardagi merosi asrlar davomida o'rganib kelinayotgan bo'lsa-da, allomaning Movarounnahr qiyosiy fiqhshunosligidagi (الفقه المقارن) o'rnini alohida tadqiqot talab etadi. Zamaxshariy fiqhiy merosini o'rganish, uning mazhablarga oid qarashlarini ochib beruvchi (رؤوس المسائل الخلافية بين الحنفية و الشافعية) "Ruusul-masail al-xilafiya bayn al-hanafiya vash-shofiiya"- "Hanafiy va shofei mazhablari orasida farqli bo'lgan asosiy masalalar" asarini o'rganish globalizatsiya sharoitida mazhab va mazhabsizlik borasida xilma-xil qarashlar avj olayotgan bir davrda sohada yuzaga kelayotgan savollarga ilmiy asoslangan javoblarni shakllantirish imkonini berishi bilan fiqhiy manbashunoslikda katta ahamiyat kasb etadi.

Dunyoning bir qator fatvo markazlarida fiqhiy manbalarni chuqur o'rganish, qiyosiy fiqhshunoslikka oid asarlarning mohiyatini ochiqlash borasidagi ishlar fiqhiy manbashunoslikning ahamiyatini ko'rsatib beradi. Bugungi kunda islom qiyosiy huquqshunosligi (مقارنة الحقوق في الاسلام) qiyosiy fiqhshunoslik (الفقه المقارن), fiqhiy manbalarni qiyosiy o'rganish (مقارنة المصادر الفقهية) borasida amalga oshirilayotgan tadqiqotlar, islom fiqhida mazhablarning o'rnini, mazhablarni qiyosiy o'rganish yo'nalishida olib borilayotgan ilmiy izlanishlar natijalari aqidaviy va mazhabiy taassubning oldini olish, variativ tafakkurni asoslash va bag'rikenglik muhitini mustahkamlashda muhim omil bo'ladi. Shu jihatdan, Mahmud Zamaxshariyning "Ruusul-masail" asari islom huquqining fiqhiy manbashunoslik, qiyosiy fiqhshunoslik, qiyosiy mazhabshunoslik kabi sohalardagi tadqiqotlar ko'lamini kengaytirishi, asoslarini mustahkamlashi va xulosalarini boyitishi bilan ularning ilmiy saviyasi yuqorilashiga xizmat qiladi.

Yangilanayotgan O'zbekistonda diniy-ma'rifiy sohada amalga oshirilayotgan islohotlar natijasida islom huquqi, islom huquqshunosligi, fiqh ilmi, fiqhiy manbashunoslik olimlarining ilmiy merosini o'rganish hamda uni jamoatchilikka yetkazishda keng imkoniyatlar yaratilmoqda. Xususan, olimlar tomonidan "Islom huquqshunosligi, hanafiy mazhabi va O'rta osiyolik faqihlar", "Fiqh" "Islom huquqi", "Islom tarixi va manbashunosligi" kabi kitoblar yozilgan. Shu nuqtai nazardan, islom olamida fiqh ilmi, fiqhiy manbashunoslik, qiyosiy fiqhshunoslik rivojida o'ziga xos mavqega ega bo'lgan Mahmud Zamaxshariyning islom huquqiga oid merosini tahlil etish hamda allomaning "Ruusul-masail" asarining diniy-ma'rifiy sohadagi masalalarni hal etishdagi ahamiyatini ko'rsatib berish muhimdir.

O'zbekiston Respublikasi Prezidentining 2018-yil 16-apreldagi PF-5416-son "Diniy-ma'rifiy soha faoliyatini tubdan takomillashtirish chora-tadbirlari to'g'risida"gi, 2022-yil 28-yanvardagi PF-60-son "2022-2026-yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida"gi farmonlari, 2017-yil 24-maydagi PQ-2995-son "Qadimiy yozma manbalarni saqlash, tadqiq va targ'ib qilish tizimini yanada takomillashtirish chora-tadbirlari

to'g'risida"gi qarori hamda sohaga oid boshqa me'yoriy hujjatlarda belgilangan vazifalarni bajarishda, 2017-yil 13-noyabrda Farg'ona viloyatida ish boshlagan Islom huquqi maktabi va 2022-yildan O'zbekiston musulmonlari idorasi tizimida tashkil etilgan Fatvo markazi faoliyatini rivojlantirishda ushbu dissertatsiya ishi muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo'nalishlariga mosligi. Dissertatsiya respublika fan va texnologiyalar rivojlanishining I. "Demokratik davlatni va huquqiy jamiyatni ma'naviy-axloqiy va madaniy rivojlantirish, innovatsion iqtisodiyotni shakllantirish" yo'nalishi va Davlat ilmiy-texnika dasturlarining asosiy yo'nalishlaridan biri bo'lmish "Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma'naviy-ma'rifiy rivojlantirishda innovatsion g'oyalar tizimini shakllantirish va ularni amalga oshirish yo'llari" nomli ustuvor yo'nalishiga muvofiq amalga oshirilgan.

Muammoning o'rganilganlik darajasi. Mahmud Zamaxshariy merosi asrlar davomida G'arb va Sharq olimlari tomonidan tadqiq etilgan. Nemis olimlari K.Brokelman, S.Schmidtke, ingliz tadqiqotchilari Ch.Xorn, R.Jekson, ozar olimi Z.M.Buniyatov, rus olimi S.M.Prozorov, tatar olimlari B.Z. Xolidov va A.B.Xolidovlar¹ o'z tadqiqotlarida Zamaxshariy ijodi va merosi haqidagi ma'lumotlarni taqdim etganlar.

Sharqda Sam'oni, Yoqut Hamaviy, Ibn Xallikon, Ibn Qutlug'beka, Suyutiy, Feruzobodiy, Taftazoniy, Toshko'prizoda, Hoji Xalifa, Abdulhay Laknaviy² kabi muarrixlar Zamaxshariy hayoti va merosiga taalluqli ma'lumotlarni qayd etganlar. Ahmad Muhammad Xufiy, Fozil Solih Somroi, Mustafu Soviy Juvayniy, Bahiyja Boqir Hasaniy, Zohira Tavfiq Abu Keshk, Kamol Jabriy Abhariy kabi olimlar Zamaxshariy asarlari bo'yicha tadqiqot olib borganlar. Bu borada so'nggi yillarda xorijda amalga oshirilgan ishlar qatorida: Ibrohim ibn Abdulloh ibn Jumhur G'omidiyning "Abulqosim Jorulloh Mahmud ibn Umar Zamaxshariyning "Sharhul-fasih asari" nomli doktorlik dissertatsiyasini, Homid al-Xaffof tomonidan nashrga tayyorlangan "Imom Abulqosim Mahmud ibn Umar Jorulloh Zamaxshariy ta'lif etgan "Kavsar surasining mo'jizasi" asarini, Berlin Universiteti professori

¹ Ibrokliman, Karl. Tarix al-Adab al-Arabi. Al-Muqaddim al-Halim al-Najari - Ramadan ibn al-Tawab. Al-Qahira: Dar al-Ma'arif, 1977. V. 107; Al-Zamxshariy al-Munhaj fi al-Aصول. Taḥqiq va ta'dim sabina Shimidke. Bayrut: Dar al-Arabiyya lil-ulum Nashron, 2007. 84 v.;

Roy Jackson. Fifty key figures in Islam. New York: Routledge, 2006. P. 91-96; Charles F.Horne. Golden Necklaces Or Maxims Of Zamakhshari - Pamphlet. New York: Kessinger Publishing, LLC, 2006; 3.M. Буниятов. Государство хорезмшахов-ануштегинидов 1097-1231.-Баку: Элм,1999; Б.З.Холидов. А.Б.Холидов. Биография аз-Замахшари, составленная его современников ал-Андарасбани. Письменные памятники Востока. Историко-филологические исследования. Ежегодник. -М.: Наука, 1973. С. 203-212.; Prozorov S.M. «Гордость Хорезма» Махмуд аз-Замахшари и его титулованные ученики (= «Pride of Khorezm» Mahmud az-Zamakhshary and his titled Pupils) / Mahmyt Zamakhshary and Oriental Literary-Scientific Renaissance. Aşgabat- Daşoguz, 2007. С. 420—423(рус.), 261—262 (англ.).1999.

² Al-Sam'ani, al-Ansab. Bayrut: Maktaba ibn Taimiya, 1980. J. 1. V. 297-298; Ḥamvi, Baqut. Ma'jam al-Adab. Bayrut: Dar al-Garb al-Islami, 1993; Ibn Ḥalqan, Shams al-Din, and Wafiyat al-A'ayan wa'Anbi'اء al-Zaman. Bayrut: Dar Sadr, 2011. J. 5. V. 168-174; Al-Sayuti, Jalal al-Din. Bighiyat al-Wa'at fi Tabiqat al-Lughayn wa'Nahat al-Qahira: 'Isiy al-Bab al-Halbi, 1964. J. 2. V. 279; Al-Fayruzabadi, Ḥiy al-Din. Al-Balgha fi al-Tarajim al-A'ama al-Nawu wa' al-Luġa. Dimshiq: Dar Sa'd al-Din, 2000. V. 290; Al-Tafazzali, Sa'd al-Din. Kitab al-Nam al-Sawayiq fi Shrah al-Kalim al-Nawayiq lil-Asatid al-Zamxshariy. Al-Qahira: Matba'at Wadi al-Nayl, 1869; Ṭashkur Buriyaz, Ahmad ibn Mustafiy. Muftah al-Sa'ada Masbah al-Siyada fi Mawzu'at al-ulum. Bayrut: Dar al-Kutub al-Ilmiyya, 1985. V. 483.

Ḥajj al-Khalifa, Mustafiy bin 'Abd al-Lah. Sa'lm al-Wa'ud ilay Tabiqat al-Fuḥul. Istintibol: IRCICA, Yevromat, 2010. J. 3. V. 314-315; Al-Laknuy, Muḥammad 'Abd al-Ḥiy. Al-Fawaid al-Bahiyya fi Tabiqat al-Ḥanfiyya. Al-Qahira: Dar al-Kutub al-Islamiyya, 1970. V. 343-344.

Sabina Shmidtkening Mahmud Zamaxshariyning “Al-minhaj fil-usul” asariga bag‘ishlangan tadqiqotini, Charlz Horning “Oltin shodalar yoki Zamaxshariy aforizmlari” risolasini, Leopold Ayzenlorning “Zamaxshariyning “al-Qistos al-mustaqim” asarida arab tilidagi sanoq o‘lchov birliklari”³ kabi ilmiy izlanishlarini qayd etish lozim.

Mustaqillik yillarida O‘zbekistonda zamaxshariyshunoslikning o‘ziga xos maktabi yuzaga keldi. Alloma merosi ustida tadqiqot olib borgan va bu borada qimmatli ma’lumotlarni taqdim etgan: akademik A.Rustamov, professor U.Uvatov, fan nomzodlari M.Hakimjonov, R.Obidov, taniqli sharqshunos A.Abdujabborov fil.f.n., dots. N.Sulaymonova, fil.f.n. dots. M.Nosirovalar nomlarini ta’kidlash o‘rinli⁴.

Bugungi zamaxshariyshunoslikning taraqqiy etishida alloma merosiga o‘z ilmiy faoliyatining asosiy qismini bag‘ishlagan professor Zohidjon Mahmudovich Islomovning xizmatlarini alohida qayd etish zarur. So‘nggi yillarda Z.Islomov tomonidan bu borada ko‘plab xayrli ishlar amalga oshirildi. Uning rahbarligida Mahmud Zamaxshariy merosining barcha qirralarini qamrab olishga qaratilgan tadqiqotlar olib borildi, kitoblar va risolalar chop etildi, maqola va ko‘rsatuvlar taqdim etildi, nomzodlik dissertatsiyalari himoya qilindi⁵. Olib borilgan ilmiy izlanishlar natijasida Zamaxshariyning 91 ta asari borligi, ulardan 40 tasi dunyoning turli fondlarida saqlanayotgani ma’lum bo‘ldi.

Allomaning fiqhiy merosi nisbatan kam o‘rganilgan. 1977-yilda Shotlandiyaning Sent-Endryus universitetida Abdulhalim Muhammad tomonidan “Ruusul-masail”ning ilmiy-tanqidiy matniga bag‘ishlangan falsafa doktori (PhD) dissertatsiyasi amalga oshirildi. 1987-yilda livanlik professor Abdulla Nazir Ahmad “Ruusul-masail”ga bag‘ishlangan yirik tadqiqotini nashrdan chiqardi⁶. 2011-yilda Anbor universiteti professori Najm Abdulloh Ibrohim Isoviyning

³الحوفي، أحمد محمد. الزمخشري. القاهرة: دار الفكر العربي، 1966؛ الجويني، مصطفى الصاوي، منهج الزمخشري في تفسير القرآن و بيان إعجازه. القاهرة: دار المعارف، 1968؛ الحسنی، بهیجة الباقر. رسلتان للزمخشري. بغداد: مطبع مجمع العلم العراقي، مجلة مجمع العلم العراقي 1967. ج.15. ص.87-129؛ أبو كيشك، ظاهرة التوفيق. الأوجه البلاغية و الدلالية في تفسير الكشاف للزمخشري. موته (الأردن): مطبع جامعة الموته، 2002؛ الغامدي، إبراهيم بن عبد الله، شرح الفسيح للأبي القاسم محدود ابن عمر الزمخشري. مكة: جامعة أم القرى، 1996؛ أبو القاسم محدود ابن عمر الزمخشري. إعجاز سورة الكوثر. بيروت: دار البلاغة، 1991؛ Sabine Schmidtke. A Mutazilite creed of az-Zamahshari = al-Minhâğ fi uşul ad-dîn / ed. and transl. by Deutsche Morgenländische Gesellschaft. Stuttgart. “Steiner”. 1997. Charles F. Horne. Golden Necklaces Or Maxims Of Zamakhshari – Pamphlet. Kessinger Publishing, LLC. 2006. Leopold Eisenlohr. Arabic Quantitative Metrics in al-Zamakhshari’s al-Qistâs al-Mustaqim. The Ohio State University. 2011

⁴Рустамов А. Махмуд Замахшарий. -Тошкент.1971.; Махмуд Замахшарий. Нозик иборалар / Таржимон ва нашрга тайёрловчи У.Уватов. -Т.: Камалак, 1992. Махмуд аз-Замахшарий. Ал-Унмузаж / Нашрга тайёрловчи, муқаддима ва атамалар шарҳи муаллифи Абдуҳафиз Абдуҷабборов. -Т.: Тошкент ислом университети нашриёти, 2001.

⁵Исломов З. М. Махмуд Замахшарийнинг “Муқаддамул-адаб” асаридаги туркий феъллар таҳлили: Филол. фан. ном. дис... автореф. -Т.: Тошкент давлат университети (ЎзМУ),1993. Махмуд Замахшарийнинг “Муқаддамул-адаб” асарининг қўлэзма манбалари ва арабча-туркий феъллар сўзлигининг йиғма илмий-танқидий матни: филол. фан. докт. дис. автореф. -Т.: ЎзР ФА Қўлэзмалар институти, 1998.; Адаб илмининг дурдонаси -Т.: Тошкент ислом университети (ТИУ) нашриёти, 2002.; Муқаддамул-адаб (манбашунослик таҳлили) -Т.: ТИУ нашриёти, 2002.; Муқаддамул-адаб (матн) -Т.: ТИУ нашриёти, 2002.; Шарқ манбашунослигида “Муқаддима” ва унинг аҳамияти // Тарихий манбашунослик муаммолари: Тўплам. -Т.: 2003.; Махмуд Замахшарий // Мовароуннахрнинг буюк алломалари (араб тилида) : Тўплам. -Т.: ТИУ нашриёти, 2004.

⁶الزمخشري، محمود بن عمر. رؤوس المسائل الخلفية بين الحنفية و الشافعية. تحقيق و تقديم دكتور عبد الله نذير أحمد. بيروت: دار البشائر الإسلامية، 1987

“Zamaxshariyning “al-Kashshaf” tafsiridagi nikoh va mut’aga oid fiqhiy qarashlari (qiyosiy tahlil)” nomli risolasi Bag‘dod universiteti Adabiyot fakulteti jurnalida nashr qilindi. Unda professor Isoviy Mahmud Zamaxshariyning faqih sifadagi faoliyati nisbatan kam tadqiq etilganini ta’kidlab, o‘z risolasini allomaning nikohga oid qarashlariga bag‘ishlaganini qayd etgan⁷. 2011-yilda Toshkent islom universiteti professori, filologiya fanlari doktori Z.M.Islomov va tadqiqotchi S.Saidjalolovlar “Mahmud Zamaxshariy va fiqh ilmi” risolasini nashrdan chiqardilar⁸. 2019-yilda Bag‘dod universiteti Islomshunoslik fakultetida Umar Ahmad Fahdoviy tomonidan “Zamaxshariyning “al-Kashshaf” tafsiridagi fiqhiy ustuvorlik namunalarini faqihlar qarashlari bilan qiyoslanishi” mavzusida magistrlik dissertatsiyasi amalga oshirildi⁹.

Tadqiqotning dissertatsiya bajarilgan oliy ta’lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi. Dissertatsiya O‘zbekiston xalqaro islom akademiyasida 2020-2022-yillarda bajarilgan A-1-051–“Islomshunoslik muammolarini birlamchi manbalar va ajdodlarimiz diniy-ma’rifiy merosini tizimli tahlil qilish asosida yosh avlodda sog‘lom e’tiqodni shakllantirish” mavzuidagi ilmiy loyihasi doirasida amalga oshirilgan.

Tadqiqotning maqsadi Mahmud Zamaxshariyning “Ruusul-masail” asaridagi hanafiy mazhabi talqinini ochib berishdan iborat.

Tadqiqotning vazifalari quyidagilardan iborat:

- alloma asarlarini o‘rganishdagi turli yondashuvlarni ochib berish;
- Zamaxshariyning fiqhiy asarlari borasidagi qarashlarni ko‘rsatish;
- Mahmud Zamaxshariy merosida hanafiylik tavsifini aniqlash;
- “Ruusul-masail”dagi fiqhiy mavzular tahlilini ochib berish;
- Qur’on oyatlarining fiqhiy masalalarning yechimida qo‘llanilishini yoritish;
- asarda hadislar naqlining o‘ziga xos jihatlarini asoslash;
- Zamaxshariyning hanafiy mazhabi ta’limotini yoritishdagi yondashuvini aniqlash;
- allomaning muomalot masalalarini dalillashdagi uslubini ko‘rsatish;
- “Ruusul-masail”ning zamonaviy fiqhiy muammolar yechimidagi ahamiyatini asoslash hamda taklif va tavsiyalar ishlab chiqish.

Tadqiqotning obykti sifatida Mahmud Zamaxshariyning “Ruusul-masail” asapi olindi.

Tadqiqotning predmetini Mahmud Zamaxshariyning “Ruusul-masail” asapida bayon etilgan hanafiy mazhabi ta’limoti qarashlari tashkil etadi.

Tadqiqotning usullari. Tadqiqot mavzusini yoritishda ilmiy tavsiflash, tarixiylik, mantiqiylik, analiz, sintez va qiyosiy tahlil kabi tadqiqot usullaridan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

⁷ العساوي، نجم عبد الله إبراهيم، آراء الزمخشري الفقهية في باب الطلاق و المتعة من خلال تفسير الكشاف. بغداد: مجلة كلية الأدب جامعة بغداد، 2014. ج.98. ص.245-293

⁸Исломов З.М. Саилжалолов С.С. Махмуд Замахшарий ва фикх илми. –Т: Тошкент ислом университети нашриёт-матбаа бирлашмаси, 2011.

⁹الفهداوي، عمر أحمد اللطيف علي. نماذج من الترجيحات الفقهية في تفسيره الكشاف مقارنة بأراء الفقهاء. بغداد:جامعة بغداد، 019

Mahmud Zamaxshariyning “Ruusul-masail” asaridagi 406 ta fiqhiy masalada hanafiylar yondashuvini عندنا – “bizning nazdimizda” deb taqdim qilinishiga asoslangan holda allomaning fiqh ilmida hanafiy mazhabi vakili ekani isbotlangan;

X-XII asrlarda Xorazmshohlar davlatida hanafiy va shofey mazhabi vakillari faoliyat yuritishiga qaramay, Zamaxshariydek o‘z davrining yetakchi olimlari qiyosiy fiqhshunoslikka oid “Ruusul-masail” (رؤوس المسائل), Abul-Lays as-Samarqandiy “Muxtalaf ar-rivoya” (مختلف الرواية), Abu Zayd ad-Dabusiyy “Ta’sis an-nazar” (تأسيس النظر) kabi asarlarida hanafiy mazhabini qo‘llab-quvvatlagani bois mintaqada hanafiylik mustahkam maqomga ega bo‘lgani dalillangan;

“Ruusul-masail” hanafiylikning mashhur asarlaridan: “Tuhfa al-fuqaho” (تحفة الفقهاء), “Badayi’-as-sanayi” (بدائع الصنائع), “Kanz ad-daqiq” (كنز الدقائق), “Al-Hidoya” (الهداية), “Kifoya” (الكفاية) asarlari bilan solishtirilganda uning “Badayi’”dagi yondashuvga yaqin ekani “Qiblani aniqlash”ni ifoda qiluvchi 49-masala, “Vafot etgan kishidan zakot soqit bo‘lishi”ga bag‘ishlangan 104-masala, “Kasal inson boy bo‘lsa-da, unga haj vojib bo‘lmasligi” borasidagi 137-masalalar asosida isbotlangan.

“Ruusul-masail”dagi (رؤوس المسائل) “Balog‘atga yetmagan bolaning biror majburiyatni tan olishi” (إقرار) haqidagi 218-masala, “Musulmon kishi va zimmiy munosabatlariga bag‘ishlangan” (ذمي) 228-masala, “Mabtuta (مبتوتة) - ajrashish jarayonida eri vafot etgan ayolning meros olishi”ni ifoda qiluvchi 291-masala, “Mukotab – (مكتاب) va qul kishi (رقبة)ni ozod qilish (عتق)” borasidagi 299, 300, 301 va 397-masalalarda hanafiy mazhabining yondashuvi boshqa mazhablarga nisbatan bag‘rikeng ekani asoslangan.

Tadqiqotning amaliy natijasi quyidagilardan iborat:

Mahmud Zamaxshariy fiqh ilmiga qo‘shgan hissasi, tarixiy manbalarda zikr qilingan: “Mu’jam al-hudud”, “Ar-roiz fiy ilm al-faraiz”, “Shaqaiq an-No‘mon”, “Shofiy al-ayy”, “Muxtasar al-Quduriy” sharhi kabi olti fiqhiy asari mavjudligi, ulardan birgina “Ruusul-masail” qo‘lyozmasi topilgani va bu allomaning fiqhiy merosini asoslovchi yagona asar ekani aniqlangan;

Mahmud Zamaxshariyning fiqhiy salohiyati, uning yetuk faqih ekani, fiqh ilmida munozara qilish salohiyatiga ega ekani tarixiy va zamonaviy manbalar asosiida dalillangan;

hanafiy mazhabiga oid tabaqot kitoblar, Zamaxshariy merosiga oid zamonaviy tadqiqotlar, Zamaxshariy hayoti va faoliyatiga oid ilmiy tadqiqotlarda keltirilgan ma’lumotlar orqali Mahmud Zamaxshariy hanafiy mazhabining yetuk namoyandasi ekani, allomaning “Nozik iboralar”, “Oltin shodalar”, she’riy “Devon”, “Kashshof” va “Ruusul-masail” asarlaridagi qarashlarini keltirish orqali isbotlangan;

Mahmud Zamaxshariy nafaqat hanafiy mazhabi, balki shofey mazhabi fiqhini ham yaxshi bilgani, ikkala mazhabni qiyosiy tadqiq qilgani, o‘zining “Kashshof” va “Al-foiq” asarlarida turli mazhablar qarashlarini naql qilgani aniqlangan.

Tadqiqot natijalarining ishonchliligi. Tadqiqot “Ruusul-masail” asarining Shimoliy Irlandiyaning Dublin shahri Chester Biti kutubxonasi fondida №3600 inventar raqami ostida saqlanayotgan qo‘lyozmasiga, mazkur qo‘lyozma asosida 1977-yilda Shotlandiyaning Sent Endryus universitetida Abdulhalim Muhammad tomonidan amalga oshirilgan ilmiy-tanqidiy matniga va 1987-yilda livanlik doktor Abdulloh Nazir Ahmad tomonidan amalga oshirilgan zamonaviy nashriga qiyoslangan holda amalga oshirilgani, dissertatsiya mavzusi bo‘yicha e‘lon qilingan ishlar, jumladan, OAK tomonidan dissertatsiyalarning asosiy ilmiy natijalarini e‘lon qilish uchun tavsiya etilgan mahalliy va xorijiy ilmiy nashrlarda chop etilgan maqolalar, xalqaro hamda mahalliy ilmiy va ilmiy-amaliy konferensiyalarda keng muhokama qilingan ma‘ruzalar hamda tadqiqot natijalaridan kelib chiqqan taklif va tavsiyalarning amaliyotga joriy etilganligi, olingan natijalarning vakolatli tashkilotlar tomonidan tasdiqlanganligi bilan belgilanadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqotning ilmiy ahamiyati undagi tahliliy mulohazalar, nazariy xulosa va takliflardan islom tarixi va manbashunosligi, fiqhiy manbashunoslik, mazhablarni qiyosiy o‘rfanish kabi fanlarga oid ilmiy izlanishlar, istiqbolli ilmiy tadqiqotlarda ilmiy-nazariy manba bo‘lib xizmat qilishi bilan izohlanadi.

Tadqiqot natijalarining amaliy ahamiyati oliy o‘quv yurtlarida manbashunoslik, dinshunoslik, islomshunoslik, islom tarixi fanlari, shuningdek, o‘rta maxsus diniy bilim yurtlarida o‘qitiladigan “Fiqh (furu’ va usul) ilmi”, “Islomdagi mazhablar va oqimlar”, “Mazhablarni qiyosiy o‘rganish” kabi fanlar mazmunini yangi nazariy ishlanmalar bilan boyitish, darslik va o‘quv qo‘llanmalarini takomillashtirish, sohaga oid fakultativ darslar, seminar mashg‘ulotlarining va 2012-yilda Toshkent islom universiteti bakalavriat bosqichi uchun nashr etilgan “Islomdagi mazhablar va oqimlar”, 2019-yilda O‘zbekiston xalqaro islom akademiyasi bakalavriat bosqichi uchun nashr etilgan “Dinlardagi oqimlar va sektalar” 2021-yilda O‘zbekiston xalqaro islom akademiyasi Dinshunoslik va Islomshunoslik yo‘nalishi bakalavriat bosqichi talabalari uchun nashr qilingan “Islomdagi yo‘nalishlar va mazhablar” hamda 2022-yilda Qiyosiy dinshunoslik yo‘nalishi magistratura bosqichi talabalari uchun nashr etilgan “Yangi diniy harakatlar va destruktiv sektalar” o‘quv qo‘llanmalarining mazmuniga singdirilgani bilan belgilanadi.

Tadqiqot natijalarining joriy qilinishi. Mahmud Zamaxshariyning “Ruusul-masail” asarida hanafiy mazhabi talqinini tadqiq etish orqali olingan natijalar asosida:

Mahmud Zamaxshariyning “Ruusul-masail” (رؤوس المسائل) asaridagi 406 ta fiqhiy masalada hanafiylar yondashuvini عندنا – “bizning nazdimizda” deb taqdim qilishiga asoslangan holda allomaning fiqh ilmida hanafiy mazhabi vakili ekani isbotlangani to‘g‘risidagi ilmiy xulosalar O‘zbekiston Respublikasi Vazirlar Mahkamasi huzuridagi Imom Buxoriy xalqaro ilmiy-tadqiqot markazi buyurtmasi asosida tayyorlangan “O‘rta asr sharq allomalari va mutafakkirlarining tarixiy-falsafiy merosi” nomli kitobning mazmuniga singdirilgan. (O‘zbekiston

Respublikasi Vazirlar Mahkamasi huzuridagi Imom Buxoriy xalqaro ilmiy-tadqiqot markazining 2023-yil 18-maydagi 02/239-sonli ma'lumotnomasi). Natijada, kitob Mahmud Zamaxshariy faoliyatiga oid milliy va xorijiy miqyosdagi so'nggi tadqiqotlarda aniqlangan yangi ma'lumotlar bilan boyitilgan;

“Ruusul-masail” (رؤوس المسائل) hanafiylikning mashhur asarlaridan: “Tuhfa al-fuqaho” (تحفة الفقهاء), “Badayi'-as-sanayi” (بدائع الصنائع), “Kanz ad-daqiq” (كنز الدقائق), “Al-Hidoya” (الهداية), “Kifoya” (الكفاية) asarlari bilan solishtirilganda uning “Badayi”dagi yondashuvga yaqin ekani “Qiblani aniqlash”ni ifoda qiluvchi 49-masala, “Vafot etgan kishidan zakot soqit bo'lishi”ga bag'ishlangan 104-masala, “Kasal inson boy bo'lsa-da, unga haj vojib bo'lmasligi” borasidagi 137-masalalar asosida isbotlangani to'g'risidagi ilmiy xulosalar O'zbekiston xalqaro islom akademiyasi huzuridagi Malaka oshirish markazida imom-xatiblar uchun tashkil qilingan o'quvlarda “Islomdagi mazhablar va oqimlar” fani mazmuniga singdirilgan. (O'zbekiston musulmonlari idorasining 2023-yil 19-maydagi 1527-sonli ma'lumotnomasi). Natija diniy soha vakillari uchun tashkil qilinadigan malaka oshirish o'quvlarida tinglovchilarning islomdagi mazhablar, xususan, hanafiy mazhabining mohiyati borasidagi bilimlarining kengayishiga xizmat qilgan;

X-XII asrlarda Xorazmshohlar davlatida hanafiy va shofeiy mazhabi vakillari faoliyat yuritishiga qaramay, Zamaxshariydek o'z davrining yetakchi olimlari qiyosiy fiqhshunoslikka oid “Ruusul-masail” (رؤوس المسائل), Abul-Lays as-Samarqandiy “Muxtalaf ar-rivoya” (مختلف الرواية), Abu Zayd ad-Dabusiy “Ta'sis an-nazar” (تأسيس النظر) kabi asarlarda hanafiy mazhabini qo'llab-quvvatlagani bois mintaqada hanafiylik mustahkam maqomga ega bo'lgani dalillangani borasidagi ilmiy xulosalar “Islomdagi yo'nalishlar va mazhablar” darsligi, “Islomdagi mazhablar va oqimlar” hamda “Dinlardagi oqimlar va sektalar” o'quv qo'llanmalari mazmuniga singdirilgan (O'zbekiston Respublikasi Vazirlar Mahkamasi huzuridagi Din ishlari bo'yicha qo'mitaning 2023-yil 19-maydagi 02-03/3883 sonli ma'lumotnomasi). Natija oliy ta'lim muassasasi “Islomdagi mazhablar va oqimlar”, “Mazhablarni qiyosiy o'rganish”, “Markaziy Osiyoda fiqh ilmi taraqqiyoti”, “Hanafiy mazhabi ta'limoti”, “Markaziy Osiyo mutafakkirlari” fanlarini ilmiy, o'quv-uslubiy jihatdan takomillashtirishga xizmat qilgan;

“Ruusul-masail”dagi (رؤوس المسائل) “Balog'atga yetmagan bolaning biror majburiyatni tan olishi” (إقرار) haqidagi 218-masala, “Musulmon va zimmiy munosabatlari”ga bag'ishlangan (ذمي) 228-masala, “Mabtuta (مبتوتة) - ajrashish jarayonida eri vafot etgan ayolning meros olishi”ni ifoda qiluvchi 291-masala, “Mukotab – (مكاتب) va qul kishi (رقبة)ni ozod qilish (عتق)” borasidagi 299, 300, 301 va 397-masalalarda hanafiy mazhabining yondashuvi boshqa mazhablarga nisbatan bag'rikeng ekani asoslangani xususidagi ma'lumotlardan “O'zbekiston Respublikasi Vazirlar Mahkamasi huzuridagi O'zbekistondagi islom sivilizatsiyasi markazi faoliyatini yanada takomillashtirishga doir qo'shimcha chora-tadbirlar to'g'risida”gi PQ-5186-son qaroriga 1-ilova “Jahon ilm-fani taraqqiyoti va sivilizatsiyasiga hissa qo'shgan ajdodlar ilmiy merosini tadqiq qilish hamda yangi yuksalish davridagi yutuqlarni targ'ib qilish” bo'yicha targ'ibot ishlarida

foydalanilgan. (O‘zbekiston Respublikasi Vazirlar Mahkamasi huzuridagi O‘zbekistondagi islom sivilizatsiyasi markazining 2023-yil 18-maydagi 08-17/438-sonli ma’lumotnoma) Natija buyuk allomalarimiz ijodidagi bag‘rikenglik g‘oyalarini aholi, xususan, yoshlar orasida targ‘ib qilishga xizmat qilgan.

Tadqiqot natijalarining aprotatsiyasi. Tadqiqot natijalari 3 ta xalqaro va 8 ta respublika ilmiy-amaliy konferensiyada muhokamadan o‘tkazilgan.

Tadqiqot natijalarining e‘lon qilinganligi. Tadqiqot mavzusi bo‘yicha 25 ta ilmiy ish, jumladan, O‘zbekiston Respublikasi Oliy attestatsiya komissiyasi tomonidan dissertatsiyalar asosiy ilmiy natijalarini chop etish tavsiya etilgan ilmiy nashrlarda 10 ta maqola, shundan 3 tasi xorijiy jurnalda chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiyaning tarkibi kirish, to‘qqizta paragrafni o‘z ichiga olgan uchta bob, xulosalar, foydalanilgan adabiyotlar ro‘yxati va ilovalardan iborat. Dissertatsiyaning hajmi 134 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Kirish qismida tadqiqot mavzusining dolzarbligi va zarurati asoslangan hamda muammoning o‘rganilganlik darajasi tahlil etilgan, tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi va dissertatsiya bajarilgan oliy ta‘lim yoki ilmiy-tadqiqot muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi ko‘rsatib berilgan, tadqiqotning maqsadi, vazifalari, obyekti, predmeti va usullari aniqlangan, tadqiqotning ilmiy yangiligi ma‘lum qilingan, tadqiqot natijalarining ishonchliligi, ilmiy va amaliy ahamiyati ko‘rsatib berilgan, tadqiqotning amaliy natijalari, amalda joriy qilinishi, aprotatsiyasi, e‘lon qilinishi hamda dissertatsiyaning tuzilishi va hajmi bo‘yich ma‘lumotlar keltirilgan.

Dissertatsiyaning “**Mahmud Zamaxshariy fiqhiy merosini tadqiq etishning metodologik asoslari**” deb nomlangan birinchi bobi uch paragrafdan iborat bo‘lib, unda Zamaxshariy fiqhiy merosining tadqiq etilishi, allomaning asarlari borasida yondashuvlar tahlili, faqih sifatida shakllanishi va fiqhiy qarashlari tadqiq etilgan.

Birinchi bobning “*Alloma asarlarini o‘rganishdagi yondashuvlar*” deb nomlangan birinchi paragrafida alloma merosi bo‘yicha milliy va xorijiy tadqiqotchilar tomonidan olib borilgan izlanishlar haqida ma‘lumot berilgan.

Alloma merosini o‘rganishda uch xil yondashuv ko‘zga tashlanadi: Birinchisi, Mahmud Zamaxshariy asarlarini aniqlashdagi manbalarni tahlil qilish. Ikkinchisi, alloma asarlarining manbalarda qayd etilish takroriyiligini aniqlash. Uchinchisi, asarlarning qay darajada (chop etilgan, qo‘lyozma shaklida va topilmagan) tadqiq etilganini o‘rganish.

Zamaxshariy asarlarini o‘rganishda tadqiq qilinadigan manbalar uch guruhga bo‘lingan:

Birinchi guruh: Zamaxshariyning hayoti va asarlari haqida mo‘jaz ma‘lumotlarni taqdim qilgan manbalar. O‘rta asrlar Xorazm tarixiga oid manbalar, Xorazmshohlar davri adabiyotlari, arab adabiyoti va tilshunosligining taraqqiyot

bosqichlari, tarixi va shakllanishiga oid asarlar, tafsir va mufasssirlar hamda fiqh va faqihlarga oid ko‘plab “tabaqot” janridagi kitoblarda Mahmud Zamaxshariy haqida qisqacha bo‘lsa-da ma’lumot berilganini ko‘rish mumkin.

Ikkinchi guruh: Mahmud Zamaxshariy va uning ilmiy faoliyatiga bag‘ishlab, 1966-2014-yillar davomida amalga oshirilgan alohida tadqiqotlar qamrab olingan. 1966-yilda Qohira universiteti professori Ahmad Muhammad al-Xufiy, 1968-yilda Misrdagi “Aynush-shams” nomli universitet ustozi, doktor Mustafo Soviy Juvayniy, 1971 yilda taniqli zamaxshariyshunos, Bag‘dod universiteti Adabiyotshunoslik fakulteti ustozi doktor Fozil Solih Samroi, 1973-yilda sharqshunos olimlar B.Z.Xolidov va A.B. Xolidovlar, 1977-yilda Qohirada Doktor Murtazo Oyatulloh Sheroziy, 1979 yilda Angliyaning qadimiy Dyurem universitetida tadqiqotchi Azmiy Yuksal, 1982-yilda Turkiyaning Fotih universitetida Abdulhamid Qosim Najjor, 2001-yilda Iroq fanlar akademiyasi A‘zamiya universitetida doktor Rashid Abdurahmon al-Ubaydiy, 2014-yilda Zamaxshariy hayoti va ilmiy faoliyatini keng qamrovda tahlil qilgan Kamol Jabariy Abhariy tadqiqotlari haqidagi ma’lumotlar tahlil qilingan.

Uchinchi guruh: Mahmud Zamaxshariyning muayyan asari nashriga oid tadqiqotlar. 1967-yilda Iroq fanlari akademiyasi jurnalida Zamaxshariyning “Al-mufrad val-muallaf fin-nahv” – “Grammatikada yolg‘iz va qo‘shma so‘zlar” hamda “Mas’alatun fiy kalima ash-shahada” - “Shahodat kalimasiga doir masala” nomli risolalari, 1972-yilda allomaning yana bir asari - “Al-muhajot bil masail an-nahviya” risolasi, 1988-yilda “Zamaxshariy tafsirida qur‘oniy balog‘at ilmi va uning balog‘at ilmiga oid tadqiqotlarga ta’siri”, 2002-yilda Iordaniyaning Muta universitetida “Zamaxshariyning “Kashshof” tafsirida balog‘at ilmi va dalolat ilmiga oid yondashuvlar”, 2002-yilda “Zamaxshariy tafsiridaga Qur‘on qiroatlarida lug‘aviy va grammatik yondashuv” nomli tadqiqot, 2002-yilda Bag‘dod universitetida “Farroning “Qur‘on ma’nolari” tafsiri va Az-Zajjajning “Qur‘on ma’nolari va e’robi” asarining Zamaxshariy “Kashshof” tafsiriga ta’siri” deb nomlangan nashr¹⁰, 2005-yilda Iordaniyaning Yarmuk universitetida “Zamaxshariy tafsirida mutavotir qiroatlar” deb nomlangan monografiya, 1996-yilda Saudiya Arabistonining “Ummul-quro” universitetida “Abulqosim Jorulloh Mahmud ibn Umar Zamaxshariyning “Sharhul-fasih” asari” doktorlik dissertatsiyasi, 1997-yilda Berlin Universitetida Zamaxshariy qalamiga mansub “Al-minhaj fil-usul” asarining ilk nashri, 2006-yilda “Kessinger Publishing” nashriyotida ingliz tilida “Oltin shodalar yoki Zamaxshariy aforizmlari” risolasi, 2011-yilda AQSHning Ogoyo Universitetida amalga oshirilgan “Zamaxshariyning “al-Qistos al-mustaqim” asarida arab tilidagi sanoq o‘lchov birliklari”¹¹ nomli tadqiqotlar nashr etildi.

Mahmud Zamaxshariyning barcha asarlarini qamrab oluvchi tadqiqotlar juda kam. O‘tgan qariyb o‘n asr davomida dunyoning turli nuqtalaridagi tarixchi olimlar, tadqiqotchilar o‘z imkoniyatlari darajasida alloma asarlari ro‘yxatini

¹⁰سعدون، أحمد علي. أثر معاني القرآن للفراء و معاني القرآن و إعرابه للزجاج في الكشاف الزمخشري. بغداد: جامعة بغداد، 2002

¹¹Leopold Eisenlohr. Arabic Quantitative Metrics in al-Zamakhshari’s al-Qisrâs al-Mustaqîm. The Ohio State University. 2011.

tuzganlar. Bu orqali Zamaxshariy asarlarini o'rganishda bir-biridan farq qiluvchi yondashuvlar yuzaga kelgan. Shuning uchun asarlarning umumiy soni, nomi, qaysi sohaga mansubligi borasida yaxlitlik yo'q. Tadqiqotda Mahmud Zamaxshariyning 91 ta asari uch guruhga bo'ldi. Buning uchun alloma asarlari haqida kengroq ma'lumot bergan 10 ta muallif ajratib olindi. Arab tilidagi manbalarga ko'ra, zamaxshariyshunoslikda muarrixlardan Yoqut Hamaviy, Ibn Xallikon, Ibn Qutlubug'o, Toshko'prizoda, Ismoil Bag'dodiy asarlariga murojaat ko'p. Zamonaviy tadqiqotchilardan Ahmad Muhammad Xufiy, Fozil Solih Somroi, Bahiyja Boqir Hasaniy, Mustafu Soviy Juvayniy va Kamol Jabriy Amin Abhariylarning Mahmud Zamaxshariyga doir olib borgan tadqiqotlari va nashrlari muhimdir. Alloma asarlari zikr qilingan 10 ta muarrix va muallif asarlari va qarashlariga tayanilgan holda tasniflandi.

Birinchi guruhga 10 ta manbaning deyarli barchasida qayd qilingan Zamaxshariy asarlari kiritildi. Ular 31 tani tashkil qildi. Ikkinchi guruhga nisbatan ko'proq manbalarda nomi qayd etilgan asarlar kiritildi. Ular 18 tadir. Uchinchi guruh tarixiy manbalarning ayrimlarida zikr qilingan asarlardan tarkib topdi. Ularning umumiy adadi – 42 ta.

Zamaxshariyshunoslikda alloma asarlariga yondashuvda quyidagi tasnif mashhurdir. Zamaxshariy hayoti va merosi borasida izlanish olib borgan ko'plab tadqiqotchilar alloma merosini uch qismga bo'lganlar:

1. Matbu' - chop etilgan.
2. Maxtut - qo'lyozmasi mavjud.
3. Mafqud - topilmagan asarlar.

Zamaxshariyshunoslikning muhim jihati mazkur tasnif ko'p qo'llanilgani va tasnifdagi asarlarga yondashuv va ularning adadi muntazam o'zgarib turganidadir. Bunga ko'plab misollar keltirish mumkin. Masalan, 1966-yilda taniqli zamaxshariyshunos olim professor Ahmad Muhammad al-Xufiyning "Zamaxshariy" nomli yirik va hozirgacha mo'tabar asarida allomaning "Ruusul-masail" va "Al-minhaj fil-usul" asarlari mafqud – topilmagan asarlar ro'yxatida zikr qilingan. Muayyan muddat o'tganidan so'ng "Ruusul-masail"ning Chester Bitida, "Al-minhoj"ning esa, Berlinda saqlanayotgani ma'lum bo'ldi. Mafqud asarlar qatoridan maxtut asarlar qatoriga o'tdi. 1987-yilda "Ruusul-masail", 1997-yilda "Al-Minhoj" chop etildi. Ayni paytda, bu ikki asar Mahmud Zamaxshariy asarlar tasnifining matbu', ya'ni chop etilgan asarlar qatorida. Alloma asarlarining to'liq ro'yxati oxiriga yetmagani va ayni paytgacha yo'qolgan deb hisoblangan asarlari topilayotgani sabab turli tadqiqotlardagi asarlar ro'yxati bir-biridan farq qiladi.

Tadqiqotda Mahmud Zamaxshariyning matbu' (nashr qilingan) asarlari 27 ta, maxtut (qo'lyozma) asarlari 20 ta va mafqud (topilmagan) asarlari 44 ta ekani aniqlandi.

Birinchi bobning "*Zamaxshariy fiqhiy qarashlarining xususiyatlari*" nomli ikkinchi paragrafida Zamaxshariy fiqhiy qarashlarining shakllanishiga ta'sir ko'rsatgan omillar: XI-XII asrlarda fiqh ilmi taraqqiyotidagi an'analar, alloma bilan zamondosh faqihlar faoliyati, mazkur muddatda faoliyat yuritgan hanafiy,

molikiy, shofeiyy va hanbaliy faqihlari hamda alloma fiqhiy qarashlarining xususiyatlari ochib berilgan.

Zamaxshariyning faqih sifatida shakllanishining **birinchi omili** sifatida alloma yashagan muhit, Xorazmda turli fanlar qatorida fiqh ilmining rivojlanishi, Xorazm va Iroq fiqh maktablari o'rtasidagi ilmiy aloqalar mavjudligi, xorazmlik sarmoyadorlarning Bag'dodda Imom A'zam maqbarasi hududida hanafiy mazhabi rivojida muhim o'rin tutgan va ayni paytgacha faoliyat yuritib kelayotgan A'zamiya madrasasining va Imom A'zam mashhadi (ziyoratgohi)ning barpo qilishi, Zamaxshariy mazkur mashhadni ziyorat qilgani uning Iroq fiqhiy maktabi bilan yaqin aloqada bo'lganini ko'rsatishi, Zamaxshariyning fiqhdagi ustoz Shayxul-islom Alouddin Sadid ibn Muhammad al-Xayyotiy al-Xorazmiy ekani, Bag'dodda fiqh ilmini Qozi Abu-l-Husayn Ahmad ibn Ali Domg'oniy (1090-1145)dan o'rgangani, alloma shogirdlari va izdoshlari orasida hanafiy mazhabi faqihlari borligi asos qilingan.

Zamaxshariyning faqih sifatidagi e'tirofining **ikkinchi omili** sifatida allomaning fiqh ilmiga oid asarlari mavjudligi keltirilgan:

1. "Mu'jam al-hudud" ("Hadlar qomusi"). Islom huquqidagi "had" tushunchasiga bag'ishlangan asar.

2. "Ar-roiz fi ilm al-faroiz" ("Faroiz ilmi o'rgatuvchisi"). Islom huquqidagi meros masalalari to'g'risidagi qo'llanma

3. "Ruusul-masail al-xilafiya bayn al-hanafiya va-sh-shafiiyya" – "Hanafiy va shofe'iy mazhablari o'rtasida farqli bo'lgan asosiy masalalar"ga bag'ishlangan asar.

4. "Shaqoiq an-Nu'mon fi manaqib an-Nu'mon" ("No'mon tazkirasidagi qizil guldasta") hanafiy mazhabi asoschisi Imom A'zam Abu Hanifa No'mon ibn Sobitga bag'ishlangan asar.

5. "Shafil-'ay min kalam ash-Shafiiy" ("Shofe'iyning dardga davo kalomi") shofe'iy mazhabi asoschisi Imom Shofe'iy haqidagi asar.

6. Shu bilan birga ba'zi manbalarda Zamaxshariyning hanafiylikdagi mashhur kitob "Muxtasari Quduriy"ga sharh yozgani qayd etiladi¹².

Mahmud Zamaxshariyning yuqorida zikr etilgan oltita fiqhiy asarlaridan birgina "Ruusul-masail"ning qo'lyozmasi topilgan.

Mahmud Zamaxshariyning faqih sifatida e'tirof etilishining **uchinchi omili** sifatida alloma asarlari fiqh ilmi masalalariga muayyan darajada e'tibor berilgani asos qilingan. Masalan, Mahmud Zamaxshariy asarlari orasida eng yuksak o'ringa ega bo'lgan "Al-Kashshof an haqiq g'avomiz at-tanzil va uyun al-aqovil fi vujuh at-ta'vil" ("Qur'onda yashirin haqiqatlarni va uning ta'vilidagi rivoyatlarni ochuvchi") tafsirida yuzdan ortiq o'rinda Imom A'zam Abu Hanifa No'mon ibn Sobit va uning Muhammad ibn Hasan Shayboniy, Abu Yusuf Ya'qub ibn Ibrohim al-Ansoriy hamda Zufar ibn Huzayl kabi shogirdlarining oyatlardan olinadigan fiqhiy hukmlar borasidagi qarashlari naql qilingan.

Allomaning hadisshunoslik borasida mo'tabar manba bo'lgan "Al-foiq fi g'arib al-hadis" ("Hadislardagi nodir ma'nolarni sharhlovchi a'lo qo'llanma")

¹²هدية العارفين. مكتبة الشاملة. المكتبة الإلكترونية. www.shamela.ws

asarida turli fiqhiy mazhablar qarashlari bayon qilingan. Shu yo‘sinda hadislardan kelib chiqadigan fatvolar ayon qilingan.

Zamaxshariy “Nozik iboralar” va “Oltin shodalar” kabi asarlarida, shuningdek, she‘riy “Devon”ida ham fiqh ilmi namoyandalarini vash etgan.

Mahmud Zamaxshariyning faqih sifatidagi e’tirofining **to‘rtinchi omili** sifatida tarixiy manbalarda, hanafiy mazhabiga oid yozilgan tabaqot janridagi adabiyotlarda, zamaxshariyshunoslikka oid tadqiqotlarda allomaning yetuk faqihlar qatorida zikr qilinishi asos qilingan. Bu qarash Al-Qurashiy (1297-1373), Ibn Qutlug‘beka (1399-1474) , alloma Abdulhay Laknaviy, iroqlik olim doktor Bahiyja Boqir al-Hasaniy, livanlik doktor Abdulloh Nazir Ahmad, eronlik Doktor Mustafu Oyatulloh Sheroziy asarlarida keltirilgan fikrlari bilan dalillangan.

Birinchi bobning “*Mahmud Zamaxshariy merosida hanafiylik tavsifi*” nomli uchinchi paragrafida allomaning hanafiy mazhabi vakili ekani asarlarida mazkur mazhab borasida bildirgan qarashlari, fiqhiy masalalarni hanafiy mazhabi nuqtai nazaridan yoritgani va bibliografik manbalarda, tabaqot janridagi asarlari Zamaxshariy hanafiylik vakili ekani haqidagi asoslari bilan bayon qilindi.

Fiqh sohasida Zamaxshariyning Imom A‘zam Abu Hanifa No‘mon ibn Sobit (699-767) asos solgan mazhabga mansub ekani o‘z isbotini topgan. Buni quyidagi uch omil bilan izohlash mumkin:

Birinchi omil: Bibliografik asarlarda va alloma ilmiy merosiga bag‘ishlangan tadqiqotlarda Zamaxshariyning hanafiy mazhabi vakili sifatida e’tirof etilishi.

Qomuslarda Mahmud Zamaxshariy hanafiy mazhabi faqihlari qatorida zikr etilgan. Bunga: Al-Qurashiyning (1297-1373) “Al-Javahir al-muziya fiy tabaqot al-hanafiya”, Ibn Qutlug‘bekaning (1399-1474) “Tojut-tarajim fiy tabaqot al-hanafiya” va Yofi‘iyning “Mir‘ot al-janon” kabi asarlarini misol sifatida keltirish mumkin¹³.

Hanafiylikning mashhur namoyandalaridan biri - Abdulhay Laknaviy (1848-1886) “al-Favaid al-bahiya fi tarajim al-hanafiya” asarida Zamaxshariyning hanafiy mazhabining ulug‘ faqihlaridan hisoblagan. “Shazarot az-zahab fiy axbar man zahab” nomli tarixiy manbada esa, alloma mazkur mazhabning peshvolaridan deb vash etilgan.

2013-yilda Bayrutdagi “Dar an-navadir” nashriyoti Mahmud Zamaxshariyning alloma Muhammad Sa‘iyd al-Foruqi at-Tarobulusiy tomonidan nashrga tayyorlangan “Sharh al-maqomat” asarini taqdim qildi. Mazkur kitobning titul qismi alohida e’tiborga loyiq. Kitob muallifi Zamaxshariyning “Al-imam Jorulloh az-Zamaxshariy Abul-qosim Mahmud ibn Umar ibn Muhammad al-Xorazmiy al-Hanafiy” degan nom bilan tanishtiradi. Odatda aksar manbalarda Zamaxshariy haqida so‘z borganda uning mo‘tazila ekaniga urg‘u beriladi. Mazkur asarda alloma nomiga “hanafiy” iborasining qo‘shilishi allomaning hanafiy mazhabi namoyandasi ekanini tasdiqlayli¹⁴.

¹³القرشي، عبد القادر ابن أبي الوفاء. الجواهر المضوية في طبقات الحنفية. حيدر آباد، 1910. ص.493، اللكنوي، محمد عبد الحي. الفوائد البهية في طبقات الحنفية. القاهرة: دار الكتب الإسلامية، 1970. ص.343-344، ابن قطلوبغا، قاسم. تاج التراجم. بيروت: دار القلم، 2009. ص.291-292

¹⁴الطرابلسي، محمد سعيد الفاروقي. شرح المقامات الزمخشري. بيروت: دار النوادر، 2013

Ikkinchi omil: Zamaxshariy ta'lif etgan "Kashshof" tafsirida Abu Hanifa va uning shogirdlari qarashlariga ustuvor maqom berilgani. "Kashshof" tafsiri tadqiqotchilari undagi fiqhiy masalalarning Kufa fiqhiy maktabi asosida yoritilganini qayd etganlar. 1998-yilda "Maktaba al-abiykon"da Odil Ahmad Abdul-mavjud, Ali Muhammad Muhammad va "Azhar universiteti Arab tili fakulteti Balog'at va tanqidiy tilshunoslik fani ustози, doktor Fatxiy Abdurrahmon Ahmad Hijoziy ishtirokida Zamaxshariynig "Kashshof" tafsiri chop etildi¹⁵. 6 juz, qariyb 4000 sahifadan iborat mazkur nashrning birini juzida Mahmud Zamaxshariyning hayoti, tafsir ilmining rivojlanishi haqida tahliliy ma'lumotlar berilgan. Zamaxshariy "Kashshof"da yuzdan ortiq o'rinda Imom A'zam Abu Hanifa No'mon ibn Sobit va uning Muhammad ibn Hasan Shayboniy, Abu Yusuf Ya'qub ibn Ibrohim al-Ansoriy hamda Zufar ibn Huzayl kabi shogirdlarining oyatlardan olinadigan fiqhiy hukmlar borasidagi qarashlarini naql qilgan.

Uchinchi omil: Mahmud Zamaxshariyning o'zi hanafiy mazhabida ekanidan faxrlangani. Mahmud Zamaxshariy hanafiy mazhabi vakili bo'lganidan faxrlangan va bu turli davr tarixchilari tomonidan yozilgan asarlarda qayd etilgan. Allomaning bir qancha asarlarini tadqiq etib, nashr etgan doktor Bahiyja Boqir al-Hasaniy mashhur muarrix Ibn Xallikonning "Vafayotul-a'yon"idan, doktor Abdulloh Nazir Ahmad esa misrlik olim Ahmad Muhammad Al-Hufiyning "Az-Zamaxshariy" asaridan Zamaxshariy qalamiga mansub quyidagi nazmni naql qilishgan:

و أسند ديني و اعتقادي و مذهبي
إلى حنفاء اختارهم حنائفا
حنيفية أديانهم حنيفية
مذاهبهم لا يبتغون الزعانفا

*"Din-u e'tiqodimni, maslaku mazhabimni
Hanafiylarga bog'ladim, ularni ixtiyor etdim.
Diyonatlari haqiqiy, mazhablari hanafiy
Mashaqqatni talab etmas, yo'llaridan ravon ketdim"*¹⁶.

Mazkur misralar Mahmud Zamaxshariyning hanafiy mazhabida bo'lganini anglatadi. She'rdagi "اعتقادي", ya'ni "e'tiqodimni" deya, aqida borasida ham hanafiy mazhabida ekanini alloma tomonidan e'tirof etilishi e'tiborga loyiqdir.

Zamaxshariy "Atvaq az-zahab" asarining 42-maqolasi hanafiy ulamolarga bag'ishlangan. Unda alloma quyidagilarni qayd etadi: "Ular hanif dinga hanafiy ilmni qo'shdilar va hanafiy ilmga ahnafiy hilmni jamladilar.

Dissertatsiyaning ikkinchi bobi "**Ruusul-masail**" asarining **fiqhiy manbashunoslik sohasi rivojidadagi o'rni**" deb nomlangan. Unda asarning yagona qo'lyozmasi va tarkibiy tuzilishi tahlil qilingan. Qo'lyozmada zikri kelgan Qur'on Karim oyatlarining adadi, o'rni va tafsiri ochib berilgan. Asarda naql etilgan hadisi shariflar rivoyatiga muhaddislar munosabati ochib berilgan.

¹⁵الزمخشري، محمود بن عمر. الكشاف عن حقائق التنزيل و عيون الأقاويل في وجوه التأويل. رياض: مكتبة أبيكان، 201
¹⁶الحوفي، أحمد محمد. الزمخشري. القاهرة: دار الفكر العربي، 1966. ص. 91

Ikkinchi bobning *“Ruusul-masail”* dagi *fiqhiy mavzular tahlili* nomli birinchi paragrafida qo‘lyozmaning 42 ta bobiga tegishli 406 ta masala haqida ma‘lumot berilgan. *“Ruusul-masail”* ning Irlandiya poytaxti Dublin shahridagi Chesterbiti kutubxonasi fondida saqlanayotgan CBL 3600 raqamli yagona qo‘lyozmasi asosida qo‘lyozmaning tarkibi, mundarijasi, mavzulari, yozilish uslubi ochib berilgan. Chesterbiti kutubxonasiga qadar saqlangan o‘rinlari borasida ilk tadqiqiy yondashuvlar va mushohadalar ilgari surilgan.

Dastlab, qo‘lyozmani ko‘chirgan xattot Jandar ibn Abdurahmon Shibliy haqida ma‘lumot berilgan. Shibliy sulolasining kelib chiqishi tarixidan va qo‘lyozmaning uzoq muddat Damashqdagi mashhur Umaviylar masjidida saqlanganidan olingan xulosalar orqali *“Ruusul-masail”* qo‘lyozmasi Xorazmda emas, Iroqda yoki Suriyada ko‘chirilgan, degan fikr ilgari surilgan. Qo‘lyozmaning dastlabki sahifalaridagi bitiklar tahlili orqali u asosan hanafiy mazhabi olimlari tomonidan ko‘proq o‘rganilgani aniqlangan. *“Ruusul-masail”* dagi fiqhiy mavzular qiyosiy fiqhshunoslik yo‘nalishida yozilgan *“Muxtalaf ar-rivoya”* va *“Ta’sis an-nazar”* bilan solishtirilgan. Bu uch asarning farqli jihatlari tahlil qilingan. *“Muxtalaf ar-rivoya”* ning qamrovi juda kengligi, *“Ta’sis an-nazar”* dagi fiqhiy mavzular nisbatan kam sonli ekani e‘tiboridan *“Ruusul-masail”* ga bo‘lgan e‘tibor asrlar davomida susaymaganini ko‘rsatadi. Asar ilm al-xilaf (علم الخلاف) dagi muhim bo‘lgan mavzularni tushunarli va asosli tarzda yoritgan.

Masalalarni qisqa va lo‘nda bayon qilish usuli fiqh ilmida qo‘llaniladi va bunday *“muxtasar”* usuldan Mahmud Zamaxshariyning ta’sirlangani seziladi. Muxtasar usulining qo‘llanilish sababi ta’lim, ya’ni o‘quvchilarning o‘zlashtirishi va esda saqlab qolishi oson bo‘lishi uchundir. Binobarin, asarning asosiy mavzusi ham hanafiy va shofey mazhablariga tegishli muhim fiqhiy masalalarni qisqa va aniq tarzda yoritib berishdir. Tadqiqotchilar *“Ruusul-masail”* ni mazhablarni qiyosiy o‘rganish bo‘yicha nodir manba sifatida e‘tirof etishgan. Bunga asar mo‘jaz bo‘lsa-da, fiqh ilmining barcha sohalarini qamrab olganini dalil qilib, uni quyidagicha izohlashgan: *“Agar *“Ruusul-masail”* ni fiqhiy mazhablarni endi o‘rganayotgan muhtadiy, ya’ni boshlovchi o‘qisa, mazhablar qarashlari haqida yetarli ma‘lumotga ega bo‘ladi. Agar ilmda yuqori darajaga erishgan muntahiy, ya’ni tugallovchi o‘qisa, mazhablar haqida o‘rganganlarini qayta eslab oladi”*.

Ikkinchi bobning *“Qur’on oyatlarining fiqhiy masalalar yechimida qo‘llanilishi”* nomli ikkinchi paragrafida qo‘lyozmada hanafiy mazhabi dalillari sifatida zikr qilingan hukm oyatlarining o‘rni, adadi va tafsiri bayon qilingan.

Qo‘lyozmada Qur’oni karimning 34 surasidan 77 ta oyatni 101 ta o‘rinda fiqhiy masalalarga dalil sifatida zikr qilinadi. *“Baqara”* surasining 115-oyati Qur’on tartibiga ko‘ra qo‘lyozmadagi dastlabki oyat bo‘lsa, *“Bayyina”* surasining 5-oyatini so‘nggi oyat sifatida qayd etish o‘rinli. Qo‘lyozma tartibi bo‘yicha *“Anfol”* surasining 11-oyati asardagi dastlabki oyat, *“Nahl”* surasining 75-oyati oxirgi oyatdir. Bir sahifada bittadan uchtagacha oyat zikr qilingan o‘rinlar uchraydi. Shundan oyatlar 77 ta bo‘lsa-da, ular zikr etilgan o‘rinlar 101 tadir. Faqat *“Moida”* surasining 6-oyatiga qo‘lyozmaning 14 o‘rnida murojaat bor. Islom fiqhining dastlabki manbasi Qur’oni karim. Faqih uchun Qur’on oyatlari mazmun-

mohiyatini chuqur bilish talab etiladi. “Ruusul-masail” qo‘lyozmasini tadqiq qilish jarayonida Mahmud Zamaxshariy Qur’oni karim oyatlari tafsirini yaxshi bilganini anglash mumkin. Qo‘lyozmada zikr etilgan oyatlarning “Kashshaf” tafsiridagi sharhlari qiyoslanishi orqali “Ruusul-masail”ning yozilgan vaqti aniqlik kiritishga harakat qilindi va “Ruusul-masail” allomaning mashhur tafsiridan keyin yozilgan degan xulosagan kelindi.

Ikkinchi bobning “Asarda hadislar naqlining o‘ziga xos jihatlari” nomli uchinchi paragrafida qo‘lyozmada hanafiy mazhabi dalili sifatida naql qilingan hadisi shariflarning ma’nosi taqdim qilingan. “Ruusul-masail”da Mahmud Zamaxshariy hanafiy va shofeiy mazhablari qarashlarini qiyoslar ekan, ikki mazhabning fatvolaridagi dalillarini ham qayd etgan. Alloma hanafiy mazhabi vakili hisoblansa-da, shofeiy mazhabi asoslarini ham puxta bilgan. Asarda ikki mazhab qarashlarini qo‘llab-quvvatlovchi Qur’on oyatlari, hadisi shariflar, mujtahidlar hukmlari yoritilgan. Hadislarni zikr qilishda Zamaxshariy ularning matnini qayd etish bilan kifoyalangan, hadisni rivoyat qiluvchilar haqida ma’lumot bermagan. Qo‘lyozmadagi hadislar bugungi kunda muhaddis olimlar tomonidan e’tirof etilgan hadis kitoblarida zikr qilingani allomaning hadis ilmi asoslarini puxta bilganini ko‘rsatadi. Hadislarni rivoyat qilishdagi Mahmud Zamaxshariyning yondashuvi tahlil qilingan. Qo‘lyozmada qayd etilgan hadislarga Imom Buxoriy, Imom Muslim, Imom Termiziy, Abu Dovud, Ibn Moja, Nasaiy, Ibn Hibbon, Doruqutniy, Hokim kabi muhaddislar to‘plamlarida bildirilgan munosabat qayd etilgan. “Ruusul-masail”da zikr qilingan hadislarning umumiy adadi 347 tani tashkil qiladi.

Asarda hadislar naqlining o‘ziga xos jihatlari quyidagilar:

1. Alloma hadislarni zikr qilishda ularning ma’nolarini yetkazish bilan kifoyalanadi (40-masala).
2. Ayrim hollarda bir qancha hadislarning ma’nolarini birlashtiradi (42-masala).
3. Zamaxshariy hadis ilmini chuqur bilgani holda hadislarning roviylari va sanadini zikr qilmaydi.
4. Ayrim sahobalar va tobeiyunlar so‘zlarini hadis sifatida talqin qiladi (85, 267, 344 –masalalar).

Yuqoridagi holatlarni Zamaxshariyning hadislarga yondashuvda muhaddislar uslubidan emas, faqihlar uslubidan foydalangani bilan izohlash mumkin.

Dissertatsiyaning uchinchi bobi **“Ruusul-masail”da hanafiy mazhabi masalalarining yoritilishi**” deb nomlanib, unda Mahmud Zamaxshariyning hanafiy mazhabi ta’limotini yoritishdagi uslubi, asarning hanfiy mazhabi ta’limotini ilmiy asoslashdagi o‘rni va bugungi kundagi dolzarb fiqhiy muammolarni hal etishdagi ahamiyati ochib berilgan.

Uchinchi bobning birinchi paragrafi *“Zamaxshariyning hanafiylik ta’limotini yoritishdagi yondashuvi”* deb nomlanib, unda “Ruusul-masail” asarida islom huquqining 42 ta sohasiga oid, hanafiy va shofeiy mazhablari orasida farqli bo‘lgan 406 ta masala bayon qilinganiga e’tibor qaratilib, asardagi ayrim masalalar Abul-barakot Abdulloh ibn Ahmad an-Nasafiyning “Kanz ad-daqiq”, Alouddin

as-Samarqandiyning “Tuhfa al-fuqaho”, Alouddin Abu Bakr ibn Mas’ud al-Kosoniyning “Badayi’ as-sanayi’ fiy tartib ash-sharayi””, Burhoniddin Ali ibn Abi Bakr Marg’inoniyning “al-Hidaya”, Shayx Muhammad Sodiq Muhammad Yusufning “Kifoya (Sharhi Muxtasari viqoya)” kitoblaridagi maslalar bilan qiyoslandi.

Mahmud Zamaxshariy “Ruusul-masail”dagi boblarni shakllantirishda hanafiylar uslubini asos qilib olgan. Kitobning ibodatlar, muomalot, munokahot, (nikoh) jinoyat va jazo, ov va qurbonlik qilish, qazo (hukm) va ikroh (majburlov) kabi boblarini zikr qilib, oxirida meros bobi bilan tartiblanishi hanafiy mazhabi yondashuviga xosdir.

“Ruusul-masail”da masalalarning taqdim qilinishi hanafiy mazhabining asosiy kitoblariga mos bo’lsa-da, ayrim masalalarni zikr qilishda muallifning o’ziga xos yondashuvini ko’rish mumkin:

- muallif “Ikroh (Majburiy holatlar)” bobini “Taloq” bobidan keyinga qo’ygan. Hanafiy kitoblarga mazkur bob odatda “Qazo” bobidan keyin keltiriladi;

- “Itq (ozod qilish)” bobini muallif “Ruusul-masail”ning oxirgi bobi sifatida taqdim etgan. Aksar hanafiy kitoblarda u “Nikoh” bobidan keyin keltiriladi;

- muallif hanafiy mazhabi masalalarini to’g’ridan to’g’ri mazhab asoschisi Imom A’zam Abu Hanifa No’mon ibn Sobit (699-767)dan naql qiladi.

- Ayrim hollarda masalani Imom Abu Hanifaning ikki shogirdi Imom Muhammad va Imom Abu Yusuflardan naql qiladi (8, 148, 318-masalalar).

Mahmud Zamaxshariy hanafiy mazhabi ta’limotini yaxshi anglagan va o’z asarlarida bu ta’limotga oid huquqiy masalalarni asosli tarzda taqdim qila olgan. Mahmud Zamaxshariyning hanafiy mazhabiga oid qarashlari hanafiylikdagi mashhur “Hidoya”, “Kanz ad-daqiq”, “Tuhfa al-fuqaho” va “Badayi’ – as-sanayi’” kabi manbalardagi hukmlarga hamohangdir. Ayrim masalalarda Zamaxshariy o’z mustaqil qarashini ham ifoda eta olgan. Bu esa, allomaning fiqh ilmining mohir bilimdoni, hanafiy mazhabining yetuk namoyandasi ekanini ko’rsatadi.

Uchinchi bobning ikkinchi paragrafi “*Allomaning muomalot masalalarini dalillashdagi uslubi*” deb nomlanib, unda hanafiy va shofeiylar mazhabi usuli va dalillari o’rtasidagi farqlar tahlil qilingan. Hanafiy mazhabining mo’tadilligi va bag’rikengligi qo’lyozmada mazhablar o’rtasidagi farqlar tahlili asosida aniq misollar bilan ochib berilgan. “Ruusul-masail” garchi mazhablar o’rtasidagi farqlarga bag’ishlangan asar bo’lsa-da, undan, asosan, hanafiy mazhabi olimlari, faqihlari istifoda etgani e’tiboridan asrlar davomida hanafiy mazhabi ta’limotini ilmiy asoslashda muhim ahamiyat kasb etgani dalillangan.

Zamaxshariy ta’lif etgan “Ruusul-masail” islomdagi mazhablarga oid masalalarni qiyosiy usulda yoritgani, muxtasar ifoda usuli qo’llanilgani, kitobning tushunish oson, ravon tilda yozilgani kabi omillar sababli shu nom ostida yozilgan boshqa asarlardan ko’ra ko’proq shuhrat qozondi va “ilmul-xilof”, ya’ni qiyosiy fiqhshunoslik borasida yozilgan muxtasar usulidagi asarlar orasida peshqadami bo’ldi.

Asarning asosiy mavzusi muhim fiqhiy masalalarni qisqa va lo'nda qilib, mazhablar doirasida yoritib berishdir. Masalalarni qisqa va lo'nda bayon qilish uslubi fiqh ilmida qo'llaniladi va bunday "muxtasar" uslubidan muallif Zamaxshariyning ta'sirlangani seziladi. Muxtasar uslub qo'llanilishining sababi ham ta'limdir, ya'ni o'quvchilar o'zlashtirishi va esda saqlab qolishi oson bo'lishi uchundir.

Tadqiqotchilar "Ruusul-masail"ni mazhablarni qiyosiy o'rganish bo'yicha muhim manba sifatida e'tirof etganlar. Bunga asar mo'jaz bo'lsa-da, fiqh ilmining barcha sohalarini qamrab olganiga e'tibor qaratganlar: "Agar "Ruusul-masail"ni fiqhiy mazhablarni endi o'rganayotgan muftiy, ya'ni boshlovchi o'qisa, mazhablar qarashlari haqida yetarli ma'lumotga ega bo'ladi. Agar ilmda yuqori darajaga erishgan muntahiy, ya'ni tugallovchi o'qisa, mazhablar haqida o'rganganlarini qayta eslab oladi".

"Ruusul-masail"da muallif bir masalada ikkita, ayrim hollarda uchta mazhab qarashlarini keltirganini ta'kidlash joiz. Asar Zamaxshariyning nafaqat bir fiqhiy mazhabga oid, balki boshqa mazhablarga ham tegishli bo'lgan masalalarni chuqur bilganini ko'rsatadi. Alloma har bir mazhab masalasini uning dalili bilan keltirgan.

Uchinchi bobning uchinchi paragrafi "*Ruusul-masail*"ning zamonaviy fiqhiy muammolar yechimidagi ahamiyati" deb nomlanib, unda bugungi kundagi mazhab va oqim munosabatlari tahlil qilingan. Markaziy Osiyo mintaqasida tinchlik va barqarorlikni saqlashda diniy omilning o'rni, bu borada yuzaga kelayotgan ayrim muammolarni hal etishda buyuk allomalarimiz merosining ahamiyati Mahmud Zamaxshariy asarlari, xususan, "Ruusul-masail" misolida ochib berilgan. Asrlar davomida bag'rikengligi va mo'tadilligi bilan tanilgan hanafiy mazhabi ta'limotini muhofaza qilishda, turli buzg'unchi oqimlarga raddiya berishda "Ruusul-masail"ning o'rni dalillar asosida asoslangan.

Qiyosiy huquqshunoslik – "tamazhub"ni, ilmda ijtihod darajasiga yetmagan insonning biror fiqhiy mazhabga ergashishi zaruriyatini asoslaydi hamda "lamazhabiya", ya'ni mazhabsizlikning salbiy oqibatlarini ko'rsatib beradi. Mahmud Zamaxshariyning "Ruusul-masail" asari islom ta'limotining asoslaridan bo'lmish "tamazhub", ya'ni mazhabga ergashishning ilmiy asoslarini ochib berishda ahamiyat kasb etadi¹⁷. Asarda qayd etilgan 406 ta masalaning deyarli barchasida Jorulloh Mahmud Zamaxshariy hanafiylik nomidan so'zlab: "Bizda, bizning nazdimizda" degan jumlar bilan hanafiylik qarashlarini bayon qilishi va uning dalillarini keltirishi, ayrim o'rinlarda, muxolif mazhabning dalillariga hanafiylikning munosabatini qayd etishi mazhabga ergashishning dolzarbligini isbotlashda muhimdir.

¹⁷ Shayx Muhammad Sodik Muhammad Yusuf. Mazhablar birlik ramzi...-T: Hilolnashr, 2018.

XULOSA

Dissertatsiyada keltirilgan maqsad va vazifalar doirasida amalga oshirilgan tadqiqot va tahlillardan quyidagi xulosalarga kelindi:

1. Mahmud Zamaxshariy asarlarining soni, nomi, nashri va qo‘lyozmalari borasida zamaxshariyshunos olimlarning yondashuvlari turlicha. So‘nggi yillardagi tadqiqotlarda alloma asarlarining umumiy soni 91 ta ekani qayd etilib, ular quyidagicha tasniflandi: 27 asari nashrdan chiqqan (مطبوع), 20 ta asarning qo‘lyozmasi dunyoning turli fonllarida saqlanmoqda (مخطوط) va 44 ta asari manbalarda nomi zikr qilinsa-da, hali topilmagan (مفقود). Shu vaqtgacha biror tarixiy manbada Zamaxshariy asarlari ro‘yxati bo‘lmasa-da, zamondosh olimlar tomonidan asoslangan ikki asar: “Kavsar surasinin mo ‘jizasi” (إعجاز سورة الكوثر) va “al-Fasih sharhi” (شرح الفسيح) uning qalamiga mansub.

2. Islom huquqi tarixiga oid manbalariga ko‘ra, Mahmud Zamaxshariyning fiqh va faqihlarga bag‘ishlangan asarlarining umumiy soni 6 tani tashkil etadi. Ular “Hadlar qomusi”, “Faroiz ilmida yo‘llanma”, “Hanafiy va shofeiyy mazhablari o‘rtasidagi asosiy qiyosiy masalalar”, “No‘mon tazkirasida qizil guldasta”, “Shofeiyyning dardga davo kalomi” va “Quduriy muxtasari sharhi”. Mazkur fiqhiy asarlardan beshtasida topilmagan (مفقود). Birgina “Asosiy qiyosiy masalalar” qo‘lyozmasi topilgan va nashr qilingan (مطبوع).

3. Mahmud Zamaxshariy merosidagi hanafiylik tavsifini uning 6 ta asari asosida yoritish mumkin: “Kashshof” tafsiri, “Hadislardagi nodir ma‘nolarni sharhlovchi a‘lo qo‘llanma”, “Asosiy qiyosiy masalalar”, “Oltin shodalar”, “Nozik iboralar” va nazmiy “Devon”. “Kashshof” tafsirining fiqhiy masalalarga oid 100dan ortiq o‘rinda hanafiy mazhabi qarashlari qayd etilgan. “Ruusul-masail”da Zamaxshariy hanafiylar qarashlarini “bizning nazdimizda” iborasi bilan ifoda qilgan. “Al-Foiq fi g‘arib al-hadis”da olim turli yo‘nalishlarning shar‘iy hukmlarini keltirar ekan, aksar hollarda barcha mazhablar qarashlariga birdek munosabat bildiradi, biroq ba‘zi o‘rinlarda “Sohiblarimiz nazdida” va bir o‘rindagina “Bizning nazdimizda” deya hanafiy mazhabi tarafida turib masalani bayon qiladi. “Oltin shodalar” va “Nozik iboralar” asarlarida Imom A‘zam hamda uning izdoshlari tavsiflangan. Zamaxshariy o‘zining she‘riy devoni hanafiy mazhabini madh etib, mazkur mazhab vakili bo‘lganidan faxrlangan.

4. “Ruusul-masail”da islom huquqining 42 sohasiga tegishli 406 ta masala bayon qilingan. Har bir masalada hanafiy va shofeiylar qarashlari keltirilgani e‘tiboridan unda ikki mazhabga tegishli umumiy adadi 812 ta masalaga fiqhiy yechim qayd etilgan. Asarda fiqhiy hukmlarga hanafiy va shofeiyy mazhablarining Qur‘on oyati, hadisi sharif yoki qiyosdan iborat dalillari keltirilgani Zamaxshariyning islom huquqi, uning asoslari va maktablari ta‘limotlarini puxta anglaganini ko‘rsatadi. Ikki mazhab qarashlarini bayon qilishda Imom Abu Hanifa va Imom Shofeiyy nuqtai nazarlari ilgani surilgani e‘tiborlidir.

5. “Ruusul-masail” qo‘lyozmasida Qur’oni karimning 34 surasidan 77 ta oyatni 101 o‘rinda fiqhiy masalalarga dalil sifatida zikr qilinadi. Asarda Qur’on oyatlarining zikr qilinishi allomaning “Al-Kashshaf” tafsiri bilan qiyoslanganida mosliklar kuzatildi. Shunga binoan, “Ruusul-masail”ni “Kashshaf” tafsiridan keyin yozilgan deyish mumkin. Sababi, alloma o‘zining mashhuri tafsirini yozishda unda turli fiqhiy mazhablar qarashlarini ham ifoda etgan. Bu o‘z navbatida hanafiy va shofei mazhablari o‘rtasidagi ixtilofli masalalarni bayon qilishda qo‘l kelgan.

6. Hadislarni zikr qilishda Zamaxshariy ularning matnini qayd etish bilan kifoyalangan. Hadisni rivoyat qiluvchilar haqida ma’lumot bermagan. Qo‘lyozmadagi hadislar bugungi kunda muhaddis olimlar tomonidan e’tirof etilgan: “Sahih Muslim”, Termiziy, Abu Dovud, Ibn Moja, Doruqtniy, Daylamiylarning “Sunan”lari, Jaloliddin Suyutiy va Imom Navaviy tomonidan ta’lif etilgan asarlarda zikr qilingani allomaning hadisshunoslik ilmi asoslarini puxta bilganini ko‘rsatadi. “Ruusul-masail”da zikr qilingan hadislarning umumiy adadi 347 tani tashkil qiladi. Zamaxshariyning hadislarga yondashuvda muhaddislar uslubidan emas, faqihlar uslubidan foydalangan.

7. Mahmud Zamaxshariyning hanafiy mazhabiga oid qarashlari hanafiylikdagi mashhur “Hidoya”, “Kanz ad-daqiq”, “Tuhfa al-fuqaho” va “Badayi’ – as-sanayi’” kabi manbalardagi huqmlarga hamohangdir. Ayrim masalalarda Zamaxshariy o‘z mustaqil qarashini ham ifoda eta olgan. Bu esa allomaning fiqh ilmining mohir bilimdoni, hanafiy mazhabining yetuk namoyandasi ekanini ko‘rsatadi

8. Mahmud Zamaxshariy “Ruusul-masail” asari hanafiy mazhabi muomalot masalalarida inson qadri, huquqi va erkinliklariga boshqa mazhablarga nisbatan kengroq e’tibor berilganini ko‘rsatadi. Bu holat mulkiy munosabatlarda, erk va ozodlik huquqini ta’minlashga oid fiqhiy yechimlarda kuzatiladi, ayniqsa, ayollar va bolalar huquqlariga yondashuvlarda yaqqol ko‘zga tashlanadi.

9. “Ruusul-masail” asari islom ta’limotining asoslaridan bo‘lmish “tamazhub”, ya’ni mazhabga ergashishni ilmiy asoslashda muhimdir. Zamaxshariy hanafiy mazhabi qarashlari va ularning dalillarini keltirishi, ayrim o‘rinlarda, muxolif mazhabning dalillariga hanafiylikning munosabatini qayd etishi mazhabga ergashishning dolzarbligini isbotlashda ahamiyat kasb etadi.

Tadqiqotda tahlil etilgan masalalar, ulardan kelib chiqqan xulosalar asosida quyidagi taklif va tavsiyalar ishlab chiqildi:

1. O‘zbekiston xalqaro islom akademiyasi Imom Moturidiy xalqaro ilmiy-tadqiqot markazi bilan hamkorlikda “Ruusul-masail”ning islom qiyosiy huquqshunosligidagi o‘rni va ahamiyatini ochib beruvchi ilmiy loyiha tayyorlash;
2. O‘zbekiston xalqaro islom akademiyasi huzuridagi Malaka oshirish markazi tinglovchilari uchun tashkil qilingan “Hanafiy mazhabi

ta'limoti" fani o'quv dasturi, ma'ruza matni va taqdimotlarini "Ruusul-masail" asosida tayyorlash;

3. O'zbekiston Milliy teleradiokompaniyasi O'zbekiston tarixi telekanalining "Buyuk siymolar" dasturining Mahmud Zamaxshariy merosiga bag'ishlangan qismida "Ruusul-masail" asosida hanafiy mazhabining bag'rikengligi va mo'tadilligini ochib berishga bag'ishlangan ko'rsatuvlar tayyorlash.

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INTERNATIONAL ISLAMIC ACADEMY OF UZBEKISTAN

SAIDJALOLOV SAIDAFZAL SAIDXANBALOVICH

**INTERPRETATION OF THE HANAFI MADHHAB IN THE WORK
OF MAHMUD ZAMAKHSHARI “RUUS AL-MASAIL”**

24.00.01 - Islamic history and source studies

**ABSTRACT OF DISSERTATION OF THE DOCTOR OF PHILOSOPHY (PhD)
ON HISTORICAL SCIENCES**

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INTRODUCTION (annotation of the doctoral dissertation)

Relevance and necessity of the dissertation topic. The unique role of Muslim jurists in the development of world civilization is illustrated by the translation of the works of prominent jurists into English, French and Russian. Although Mahmoud Zamakhshari's legacy in the fields of linguistics, literary studies (الادب), grammar (النحو), rhetoric (البلاغة), and exegesis (التفسير) has been studied for centuries, his comparative jurisprudence (الفقه المقارن) in Movarounnahr requires a separate study. The study of Zamakhshari's jurisprudential legacy, the study of his work *Ruus al-Masail al-Khilafiya bayn al-Hanafiya vash-Shafiiya* (The Main Issues that Differ between the Hanafi and Shafii Schools; رؤوس المسائل الخلافية بين الشافعية و الحنافية), which reveals his views on the madhhabs, provides scientifically based answers to the questions that arise in this area at a time when different views on madhhabs and non-madhhabs are growing in the context of globalisation.

In a number of fatwa centres around the world, the in-depth study of jurisprudential sources and the ongoing work to clarify the essence of works on comparative jurisprudence show the importance of jurisprudential source studies. Today, the researches on Islamic comparative jurisprudence (مقرنة الحقوق في العسلم), comparative jurisprudence (الفقه المقرن), comparative study of fiqh sources (مقارنة المصادر الفقهية), the role of madhhabs in Islamic jurisprudence, and the method of comparative study of madhhabs and the results of scientific research conducted in this field will serve as an important factor in preventing dogmatic and sectarian bigotry, justifying diversity of thought and strengthening the environment of tolerance. In this regard, Mahmud Zamakhshari's work "Ruusul-Masail" serves to raise the scientific level of Islamic law by expanding the scope of studies in fields such as jurisprudence, comparative jurisprudence, comparative studies of madhhabs, strengthening its foundations and enriching its conclusions.

The reforms carried out in the religious and educational spheres in Uzbekistan have provided ample opportunities for the study and dissemination of the scientific legacy of scholars of Islamic law, Islamic jurisprudence, and jurisprudential literature. In particular, scholars have written such works as "Islamic Jurisprudence, the Hanafi School and the Central Asian Jurists", "Fiqh", "Islamic Law", "Islamic History and Source Studies". From this perspective, the legacy of Mahmoud Zamakhshari, which occupies a unique position in the development of legal studies and comparative legal studies in the Islamic world, and the importance of the work of the scholar "Ruusul-masail" in the solution of problems in the religious and educational fields, must be analyzed.

This dissertation work will serve to some extent to develop the work of the Fatwa Centre under the Muslim Board of Uzbekistan as of 2022 and the School of Islamic Law, which began work in the Fergana region on November 13, 2017, and to fulfil the tasks defined in the regulatory documents related to this area and the decrees of the President of the Republic of Uzbekistan of April 16, 2018, No. PD-5416 "On measures to fundamentally improve the activities of the religious and educational sphere", No. PD-60 of 28 January 2022 "On the new Uzbekistan for 2022-2026 "On development strategy", No. 699 of 5 July 2021 "Law on freedom of conscience and

religious organizations”, No. PD-2995 of 24 May 2017 “Preservation of ancient written sources, decision on measures to further improve the research and promotion system”.

Consistency of the research with the priorities of the development of science and technology of the Republic. The dissertation is carried out in accordance with the direction of the development of science and technology of the Republic “Spiritual, moral and cultural development of a democratic state and a legal society, formation of an innovative economy” and one of the main directions of the state scientific and technical programmes “Formation of a system of innovative ideas and ways of their implementation in the social, legal, economic, cultural, spiritual and educational development of the information society and the democratic state”.

Degree of study of the problem. Western and Eastern scholars have been studying the legacy of Mahmoud Zamakhshari for centuries. German scholars K. Brokelman, S. Schmidtke, English scholars C. Horn, R. Jackson, Azerbaijani scholar Z. M. Buniyatov, Russian scholar S. M. Prozorov, Tatar scholars B. Z. Kholidov and A. B. Kholidov¹ presented information about Zamakhshari's activity and legacy in their researches.

In the east, historians such as Sam'ani, Yakut Hamavi, Ibn Khallikon, Ibn Qutlugbeka, Suyuti, Feruzabadi, Taftazani, Tashkoprizoda, Haji Khalifa, Abdulhai Laknavi² recorded information about Zamakhshari's life and legacy.

Scholars such as Ahmed Muhammad Khufi, Fazil Salih Somroi, Mustafa al-Sawi al-Juvaini, Bahija Bakir Hasani, Zahira Tawfiq Abu Keshk, Kamal Jabri Abhari have conducted research on Zamakhshari's works. In this regard, it is worth mentioning a number of works carried out abroad in recent years, including Ibrahim ibn Abdullah ibn Jumhur Ghamidi's doctoral thesis entitled “Sharhul-fasih work of Abul Qasim Jarullah Mahmud ibn Umar Zamakhshari”, the work “The Miracle of Surah Kawsar” written by Imam Abul Qasim Mahmud bin Umar Jorullah Zamakhshari, the study of Mahmoud Zamakhshari's work “Al-minhaj fil-usul” by Professor Sabina Schmidtke of the University of Berlin, Charles Horn's treatise

¹بروكلمان، كارل. تاريخ الادب العربي. المحقق عبد الحليم النجار - رمضان عبد التواب. القاهرة: دار المعارف، 1977. ص. 107; الزمخشري المنهاج في الأصول. تحقيق و تقديم سابينا شميدكه. بيروت: دار العربية للعلوم ناشرون، 2007. ص. 84 ;

Roy Jackson. Fifty key figures in Islam. New York: Routledge, 2006. P. 91-96; Charles F.Horne. Golden Necklaces Or Maxims Of Zamakhshari – Pamphlet. New York: Kessinger Publishing, LLC, 2006; 3.M. Буниятов. Государство хорезмшахов-ануштегинидов 1097-1231.-Баку: Элм,1999; Б.З.Холидов. А.Б.Холидов. Биография аз-Замахшари, составленная его современников ал-Андарасбани. Письменные памятники Востока. Историко-филологические исследования. Ежегодник. -М.: Наука, 1973. С. 203-212.; Prozorov S.M. «Гордость Хорезма» Махмуд аз-Замахшари и его титулованные ученики (= «Pride of Khorezm» Mahmud az-Zamakhshary and his titled Pupils) / Mahmyt Zamakhshary and Oriental Literary-Scientific Renaissance. Aşgabat- Daşoguz, 2007. С. 420—423(рус.), 261—262 (англ.).1999.

²السمعاني، الانساب. بيروت: مكتبة ابن تيمية، 1980. ج 1. ص. 297-298; حموي، باقوت. معجم الادباء. بيروت: دار الغرب الاسلامي، 1993.؛ ابن خلكان، شمس الدين، وفيات الأعيان وأنباء أبناء الزمان. بيروت: دار صادر، 2011. ج 5. ص. 168-174.؛ السيوطي، جلال الدين. بغية الوعاة في طبقات اللغويين و النحاة. القاهرة: عيسى الباب الحلبي، 1964 ج. 2. ص. 279؛ الفيروزابادي، محي الدين. البلغاء في التراجم الأئمة النحو و اللغة. دمشق: دار سعد الدين، 2000. ص. 290؛ التفتزاني، سعد الدين. كتاب النعم السوايق في شرح الكلم النوايق للأستاذ الزمخشري. القاهرة: مطبع وادي النيل، 1869.؛ طاشكوبريزاه، أحمد ابن مصطفى. مفتاح السعادة مصباح السيادة في موضوعات العلوم. بيروت: دار الكتب العلمية، 1985. ص. 483. حاج الخليفة، مصطفى بن عبد الله. سلم الوصول إلى طبقات الفحول. إستنبول: IRCICA، Yevromat، 2010. ج. 3. ص. 314-315. اللكنوي، محمد عبد الحي. الفوائد البهية في طبقات الحنفية. القاهرة: دار الكتب الإسلامي، 1970. ص. 343-344.

"Golden Joys or Zamakhshari's Aphorisms" and Leopold Eisenlor's "Arabic Quantitative Metrics in al-Zamakhshari's al-Qistâs al-Mustaqîm"³.

During the years of independence, a unique school of Zamakhshari studies developed in Uzbekistan. It is important to mention the names of people who researched the heritage of the scholar and provided valuable information, such as academician A. Rustamov, professor U. Uvatov, candidates of science M. Hakimjonov, R. Obidov, the famous orientalist A. Abdujabborov, Ph.D. N. Sulaymonova, Ph.D. Assoc. M. Nosirova⁴.

In the development of today's Zamakhshari studies it is worth noting the services of Professor Zahidjon Mahmudovich Islamov, who devoted the major part of his scientific activity to the legacy of the scholar. In recent years, Z. Islamov has done a lot of good in this respect. Under his leadership, research on all aspects of Mahmud Zamakhshari's legacy has been conducted, books and brochures have been published, articles and exhibitions have been presented, and doctoral theses have been defended⁵. Scientific studies have revealed that 91 works by Zamakhshari exist, 40 of which have been preserved in various collections around the world.

The jurisprudential legacy of the scholar has been relatively little studied. In 1977, Abdulhalim Muhammad completed his doctoral thesis at the University of St Andrews, Scotland, on the scholarly and critical text of Ruusul-Masail. In 1987, the Lebanese professor Abdulla Nazir Ahmad published a major study on Ruusul-Masail⁶. In 2011, a paper by Anbar University professor Najm Abdullah Ibrahim Isawi entitled "Jurisprudential views on marriage and mut'ah in the interpretation of al-Kashshaf by Zamakhshari (comparative analysis)" was published in the journal of the Faculty of Literature at Baghdad University. Professor Isaviy noted that Mahmud Zamakhshari's work as a jurist has been relatively little studied, and noted that he

³الحوفي، أحمد محمد. الزمخشري. القاهرة: دار الفكر العربي، 1966؛ الجويني، مصطفى الصاوي، منهج الزمخشري في تفسير القرآن و بيان إعجازه. القاهرة: دار المعارف، 1968؛ الحسن، بهيجة الباقر. رسلتان للزمخشري. بغداد: مطبع مجمع العلم العراقي، مجلة مجمع العلم العراقي 1967. ج. 15. ص. 87-129؛ أبو كيشك، ظاهرة التوفيق. الأوجوه البلاغية و الدلالية في تفسير الكشاف للزمخشري. مونه (الأردن): مطبع جامعة المونه، 2002؛ الغامدي، إبراهيم بن عبد الله، شرح الفسيح للآبي القاسم محدود ابن عمر الزمخشري. مكة: جامعة أم القرى، 1996؛ أبو القاسم محدود ابن عمر الزمخشري. إعجاز سورة الكوثر. بيروت: دار البلاغة، 1991؛

Sabine Schmidtke. A Mutazilite creed of az-Zamaḥṣarî = al-Minhâḡ fi uṣûl ad-dîn / ed. and transl. by Deutsche Morgenländische Gesellschaft. Stuttgart. "Steiner". 1997. Charles F. Horne. Golden Necklaces Or Maxims Of Zamakhshari – Pamphlet. Kessinger Publishing, LLC. 2006. Leopold Eisenlohr. Arabic Quantitative Metrics in al-Zamakhshari's al-Qistâs al-Mustaqîm. The Ohio State University. 2011.

⁴Рустамов А. Махмуд Замахшарий. -Тошкент. 1971.; Махмуд Замахшарий. Нозик иборалар / Таржимон ва нашрга тайёрловчи У.Уватов. -Т.: Камалак, 1992. Махмуд аз-Замахшарий. Ал-Унмузаж / Нашрга тайёрловчи, муқаддима ва атамалар шарҳи муаллифи Абдуҳафиз Абдуҷабборов. -Т.: Тошкент ислом университети нашриёти, 2001.

⁵Исломов З. М. Махмуд Замахшарийнинг "Муқаддамул-адаб" асаридagi туркий феъллар таҳлили: Филол. фан. ном. дис... автореф. -Т: Тошкент давлат университети (ЎзМУ), 1993. Махмуд Замахшарийнинг "Муқаддамул-адаб" асарининг қўлзма манбалари ва арабча-туркий феъллар сўзлигининг йиғма илмий-танқидий матни: филол. фан. докт. дис. автореф. -Т: ЎзР ФА Қўлзмалар институти, 1998.; Адаб илмининг дурдонаси -Т.: Тошкент ислом университети (ТИУ) нашриёти, 2002.; Муқаддамул-адаб (манбашунослик таҳлили) -Т.: ТИУ нашриёти, 2002.; Муқаддамул-адаб (матн) -Т.: ТИУ нашриёти, 2002.; Шарқ манбашунослигида "Муқаддима" ва унинг аҳамияти // Тарихий манбашунослик муаммолари: Тўплам. -Т.: 2003.; Махмуд Замахшарий // Мовароуннахрнинг буюк алломалари (араб тилида) : Тўплам. -Т.: ТИУ нашриёти, 2004.

⁶الزمخشري، محمود بن عمر. رؤوس المسائل الخلافية بين الحنفية و الشافعية. تحقيق و تقديم دكتور عبد الله نذير أحمد. بيروت: دار البشائر الإسلامية، 1987

devoted his treatise to the scholar's views on marriage⁷. In 2011, Professor of Tashkent Islamic University, Doctor of Philology Z. M. Islamov and researcher S. Saidjalolov published the booklet “Mahmud Zamakhshari and the science of jurisprudence”⁸. In 2019, at the Faculty of Islamic Studies of Baghdad University, Umar Ahmed Fahdawi completed a master's thesis on “Comparison of the examples of jurisprudential priority in the interpretation of al-Kashshaf by Zamakhshari with the views of jurists”⁹.

Connection of the research with the research plans of the university where the dissertation was completed. Dissertation carried out within the framework of the scientific project A-1-051-“Formation of healthy faith in the young generation based on the systematic analysis of the problems of Islamic studies from primary sources and the religious and educational heritage of our ancestors” at the International Islamic Academy of Uzbekistan in 2020-2022.

The aim of the research is to reveal the interpretation of the Hanafi madhhab in Mahmud Zamakhshari's work “Ruusul-Masail”.

The tasks of the research are as follows:

- To reveal different approaches to the scholar's works;
- To present views on Zamakhshari's jurisprudential works;
- To determine the description of Hanafism in the legacy of Mahmud Zamakhshari;
- To reveal the analysis of jurisprudential issues in “Ruusul-Masail”;
- Explaining the application of the verses of the Qur'an in solving fiqh problems;
- Explaining the unique aspects of Hadith transmission in the work;
- To identify Zamakhshari's approach to explaining the teachings of the Hanafi madhhab;
- To show the scholar's method of arguing the issues of transaction;
- To justify the importance of “Ruusul-Masail” in solving modern jurisprudential problems and to develop suggestions and recommendations.

Mahmud Zamakhshari's “Ruusul-masail” was chosen as **the object of the research**.

The subject of the research is Mahmud Zamakhshari's “Ruusul-Masail” and the views of the Hanafi school of thought described in his work.

Research methods. Scientific research methods have been used to cover the research topic. such as description, historicity, logic, analysis, synthesis and comparative analysis.

The scientific novelty of the research is as follows:

Based on Mahmud Zamakhshari's presentation of the Hanafi approach in 406 fiqh questions in “Ruusul-Masail” as عندنا (we assume), it is proven that the scholar is a representative of the Hanafi school of jurisprudence;

⁷ العساوي، نجم عبد الله إبراهيم، آراء الزمخشري الفقهية في باب الطلاق و المتعة من خلال تفسير الكشاف. بغداد: مجلة كلية الأدب جامعة بغداد، 2014. ج.98. ص.245-293

⁸ Исломов З.М. Саилжалолов С.С. Маҳмуд Замахшарий ва фикҳ илими. –Т: Тошкент ислом университети нашриёт-матбаа бирлашмаси, 2011.

⁹ الفهداوي، عمر أحمد اللطيف علي. نماذج من التريجيات الفقهية في تفسيره الكشاف مقارنة بأراء الفقهاء. بغداد: جامعة بغداد، 2019

Despite the fact that representatives of both the Hanafi and Shafi'i madhhabs were active in the 10th-12th centuries in the state of Khorezm, the Hanafi school had a strong status in the region due to the works of the leading scholars of their time, such as "Ruusul-Masail" by Zamakhshari, "Mukhtalaf ar-Riwaya" by Abul-Lays al-Samarkandi and "Ta'sis an-Nazar" by Abu Zayd ad-Dabusi.

Compared to the famous works of Hanafi "Tuhfa al-fuqaha" (تحفة الفقها), "Badayi'-as-sanayi'" (بدائع الشنائع), "Kanz ad-daqaq" (كنز الدقائق), "Al-Hidaya" (الهداية), "Kifoya" (الكفاية), the work "Ruusul-masa'il" is proved to be close to the approach of "Badayi'" on several grounds (including 49 questions related to "Determining the direction of Qibla", 104 questions related to "Deducting Zakat from a deceased person" and 137 questions related to "A sick person who is not required to perform Hajj even if he/she is rich").

Question 218 in "Ruusul-Masail" (رووس المسائل) "Recognition of a commitment by a minor" (اقرار), Question 228 on "The relationship between a Muslim and a dhimmi" (إممي), Question 291 on "Mabtuta (مبتوتة)", i.e, the inheritance of a woman whose husband died during the divorce process, and questions 299, 300, 301 and 397 on "Mukotab - (مكاتب) and freeing (عتق) a slave (رقبة)" clearly show that the approach of the Hanafi madhhab is different in terms of tolerance.

The practical result of the research is as follows:

Mahmoud Zamakhshari's contribution to the science of jurisprudence is mentioned in historical sources: "Mu'jam al-Hudud", "Ar-Raiz fiy Ilm al-Faraiz", "Shaqaiq al-Numan", "Shafi al-Ayy", the existence of six jurisprudential works such as the commentary "Mukhtasar al-Quduri", among which only one manuscript "Ruusul-masail" was found and it was determined that this is the only work that establishes the jurisprudential legacy of the scholar;

Mahmoud Zamakhshari's jurisprudential potential, his mature jurisprudence and his ability to debate in jurisprudence have been proved on the basis of historical and modern sources;

Mahmud Zamakhshari has been proven to be a mature representative of the Hanafi madhhab through the tabaqat books on the Hanafi school, modern research on Zamakhshari's legacy, scientific studies on Zamakhshari's life and activities, as well as the scholar's knowledge of the madhhab can be proved by quoting the views of the scholar in his works "Delicate Expressions", "Golden necklaces", the poetic "Devon", "Kashshof" and "Ruusul-masail";

Mahmud Zamakhshari knew not only the Hanafi madhhab but also the jurisprudence of the Shafi'i madhhab, so he was able to make a comparative study of both madhhabs and it was found that he conveyed the views of different madhhabs in his works "Kashshof" and "Al-Faiq".

Reliability of the research results. The research is based on the manuscript of "Ruusul-masail" kept in the Chester Beatty Library, Dublin, Northern Ireland, under the inventory number #3600, the scientific and critical text based on this manuscript prepared by Abdulhalim Muhammad at the University of St. Andrews, Scotland, in 1977, and the modern publication prepared by Dr. Abdullah Nazir Ahmad from Lebanon in 1987. Abdullah Nazir Ahmad from Lebanon in 1987, published works on

the subject of the dissertation, including articles published in local and foreign scientific publications recommended by the Higher Attestation Commission for the publication of the main scientific results of the dissertations, articles published in local and foreign scientific publications, widely discussed lectures at international and local scientific and scientific-practical conferences, confirmed results from accredited organisations and practical suggestions and recommendations.

The scientific significance of the research lies in its analytical considerations, theoretical conclusions and proposals. Serve as a scientific and theoretical source in the study of issues related to the science and history of the word, in prospective scientific studies devoted to issues such as solutions to ideological conflicts.

The practical significance of the research results will serve to enrich the content of such subjects with new theoretical developments in source studies, religious studies, Islamic studies, Islamic history in higher education institutions, as well as “Fiqh (furu' and usul) science”, “Madhhabs and currents in Islam”, “Comparative study of Madhhabs”; to improve textbooks and training manuals; Also of practical importance are the optional courses, seminars and “Madhhabs and Currents in Islam” published in 2012 for the undergraduate level of Tashkent Islamic University, “Sects and Madhhabs in Religions” published in 2019 for the undergraduate level of the International Islamic Academy of Uzbekistan, 2021, “Trends and Sects in Islam” for undergraduate students of the Department of Religious Studies and Islamic Studies of the International Islamic Academy of Uzbekistan, and study guides such as “New Religious Movements and Destructive Sects” for graduate students of the Department of Comparative Religion, to be published in 2022.

Implementation of the research results. Based on the results of the research on the interpretation of the Hanafi madhhab in Mahmoud Zamakhshari's work “Ruusul-Masail”:

Based on Mahmoud Zamakhshari's presentation of the Hanafi approach to 406 jurisprudential issues in “Ruusul-Masail” as “in our view”, it is proven that the scholar is a representative of the Hanafi school of jurisprudence and the scientific conclusions about it are recorded in the book entitled “Historical-Philosophical Heritage of Medieval Scholars and Thinkers” prepared on the basis of the order of the Imam Bukhari International Research Centre under the Cabinet of Ministers of the Republic of Uzbekistan. (Reference No. 02/239 dated 18 May 2023 of the Imam Bukhari International Research Centre under the Cabinet of Ministers of the Republic of Uzbekistan). As a result, the book is enriched with new information revealed in the latest national and foreign researches on the activity of Mahmud Zamakhshari;

Compared to the works of Hanafiism, “Tuhfa al-fuqaha”, “Badayi'-as-sanayi’”, “Kanz ad-daqaiq”, “Al-Hidaya” and “Kifoya”, "Ruusul-masail" is close to the approach of “Badayi’”; Also, scholarly conclusions on question 49 on “Determining the Qibla”, question 104 on “Receiving Zakat from a deceased person”, question 137 on “Hajj is not obligatory for a sick person even if he is rich” have been included in the trainings organised for Imams-khatibs at the Training Centre under the International Islamic Academy of Uzbekistan on the subject of “Islamic Madhhabs

and Sects”; (Reference no. 1527 of the Office of Muslims of Uzbekistan dated 19 May 2023); the results serve to expand knowledge about the nature of madhhabs in Islam, especially the Hanafi madhhab, in training courses organised for representatives of the religious field;

Despite the fact that representatives of the Hanafi and Shofi schools were active in the state of Khorezm in the 10th-12th centuries, the leading scholars of their time, such as Zamakhshari, supported the Hanafi school in works such as “Ruusul-masail” on comparative jurisprudence, so that Hanafi had a strong status in the region; and scientific conclusions in this regard are included in the textbook “Trends and Sects in Islam”, “Sects and Currents in Islam” and “Currents and Sects in Religions” (by the Committee on Religious Affairs under the Cabinet of Ministers of the Republic of Uzbekistan Reference no. 02-03/3883 dated 19 May 2023). The results of the research were used for methodical improvement and development of scientific, educational and academic disciplines of “Madhhabs and movements in Islam”, “Comparative study of Madhhabs”, “Development of jurisprudence in Central Asia”, “Teachings of Hanafi Madhhab”, “Thinkers of Central Asia”;

The results of the research, such as question 218 in “Ruusul-masail” (رووس المسائل) “Recognition of a commitment by a minor” (اقرار), Question 228 on “The relationship between a Muslim and a dhimmi” (إمي), Question 291 on “Mabtuta (مبتوتة)”, i. E, the inheritance of a woman whose husband died during the divorce process, and questions 299, 300, 301 and 397 on “Mukotab - (مكاتب) and freeing (عتق) a slave (رقبة)”, which clearly show that the Hanafi madhhab's approach to tolerance is different, have been used in a number of promotional activities, including Appendix 1 to the Decision PQ-5186 “On Additional Measures to Further Improve the Activities of the Center of Islamic Civilization in Uzbekistan under the Cabinet of Ministers of the Republic of Uzbekistan”, “Contributing to the Development of World Science and Civilization”, “Exploring the Scientific Heritage of Our Ancestors and Promoting the Achievements of the New Era of Growth”; (Reference no. 08-17/ 438 dated 18 May 2023 of the Center of Islamic Civilisation in Uzbekistan under the Cabinet of Ministers of the Republic of Uzbekistan); the result of the research served to promote the ideas of tolerance in the work of our great scholars among the population, especially the youth.

Approval of the research results. The research results were discussed at three international and eight national scientific-practical conferences.

Publication of research results. 25 scientific works on the subject of research, including 10 articles in scientific publications recommended for publication by the Higher Attestation Commission of the Republic of Uzbekistan, three of which were published in foreign journals.

Structure and scope of the dissertation. The dissertation consists of an introduction, three chapters with nine paragraphs each, conclusions, a list of used literature and appendices. The length of the dissertation is 134 pages.

MAIN CONTENT OF THE THESIS

In the introductory part, the relevance and necessity of the research topic is justified. The level of research of the problem is analysed. It is stated that the study is related to the priority areas of the development of science and technology of the state and the scientific plans of the university or research institution where the dissertation was completed. The purpose, tasks, object, subject and methods of the research are determined. The reliability, scientific and practical significance of the results of the study are demonstrated. Information on the structure and scope of the dissertation and the practical results of the study are presented.

The first chapter of the dissertation entitled “Theoretical and methodological foundations of the study of the scientific legacy of Mahmud Zamakhshari” consists of three paragraphs, which explore the scientific legacy of Zamakhshari, analyse approaches to the work of the scholar, his training as a jurist, study works on jurisprudence.

The first paragraph of the first chapter, “Approaches to the Study of the Scholar's Work”, provides information on the research carried out by domestic and foreign scholars on the scholar's legacy. There are three different approaches to the study of the scholar's legacy: The first is to analyse the sources for the identification of Mahmud Zamakhshari's works. The second is to determine the frequency of mention of the scholar's works in the sources. The third is to study the extent to which the works have been researched (printed, manuscript and undiscovered).

Analysis of sources to determine Zamakhshari's legacy. The sources to be studied in the study of Zamakhshari's works are divided into three groups:

The first group is the sources that provide information about Zamakhshari's life and work. In the sources on the history of medieval Khwarazm, the literature of the Khwarazmshah period, works on the stages of development, history and formation of Arabic literature and linguistics, many books of the “*tabaqat*” genre on tafsir and fiqh provide brief information about Mahmud Zamakhshari.

Second group, in special studies dedicated to Mahmud Zamakhshari and his scientific activities, conducted in the period 1966-2022. In 1966 by Ahmed Muhammad al-Khufi, professor at the University of Cairo; in 1968 by Dr. Mustafa Sowi Juwayni, lecturer at the Ainush-Shams University in Egypt; in 1971 by Dr. Fazil Saliha Samrai, a well-known Zamakhshari scholar, teacher at the Faculty of Literary Studies at the University of Baghdad; in 1973 by the orientalist B.Z.Kholidov and A.B.Kholidov; in 1977 by Dr. Murtaza Ayatullah Sherozi in Cairo, in 1979 by Azmi Yuksal, a researcher at Durham University in England, in 1982 by Abdulhamid Qasim Najjar of Fatih University in Turkey, in 2001 by Dr. Rashid Abdurrahman al-Ubaidi of Azamiya University in Iraq, and in 2014 by Kamal Jabari Abhari, whose research comprehensively analysed Zamakhshari's life and scholarly activity.

The third group, studies relating to the publication of a specific work by a scholar, provides information on the life and legacy of Mahmud Zamakhshari. In 1967, Zamakhshari's treatises entitled “*Al-mufrad val-muallaf fin-nahv*” and “*Masalatun fiy kalima ash-shahada*” – “The Issue of a Witness” - were published in

the journal of the Iraqi Academy of Sciences. In 1972, another work of the scientific treatise “Al-muhajat bil masail al-nahwiya” was published, and in 1977, “Al-balaga al-quraniya fiy tafsir al-Zamakhshari”, in 1988. In 2002, at the University of Muta, Jordan, “al-Avzhuh ad-Dilalia val-Balagiya fiy Tafsir az-Zamakhshari”, in 2002, “Asar Ma'aniy al-Qur'an li al-Farron wa Ma'aniy al-Qur'an wa i'rabuhu li az-Zajjaj fi al-Kashshaf al-Zamakhshariy”¹⁰, In 2005, the University of Yarmouk, Jordan, published a monograph entitled “Al-qiroat al-mutavotira fiy tafsir al-Zamakhshari”, in 1996, the University of Saudi Arabia “Umm al-Qura”, the doctoral thesis of Zhumkhur al-Ghamidi “Sharkhul-fasih” by Abul Qasim Jorulla Mahmud ibn Umar Zamakhshari”, in 1997 at the University of Berlin, Professor Sabina Schmidtke published the work “Al-minhaj fil-usul”, written by Zamakhshari, in 2006. “Atwaq al-Zhahab” in English, Kessinger Publishing, in 2011, the researcher Leopold Eizenlhor published the treatise “Arabic Quantitative Metrics in al-Zamakhshari's al-Qistâs al-Mustaqîm”¹¹ published in Ohio University, USA.

Classification of the scholar's writings in sources. There are very few studies that cover all the works of Mahmoud Zamakhshari. Over the past ten centuries, historians, scientists and researchers from different parts of the world have compiled a list of the scholar's works to the best of their ability. As a result, different approaches to the study of Zamakhshari's works have emerged. Therefore, there is no integrity in terms of the total number of works, their names and the fields to which they belong. In the research, 91 works of Mahmoud Zamakhshari were divided into three groups. For this purpose, 10 authors were selected who provided more detailed information about the scholar's works. According to the Arabic sources, there are many references to the works of Yaqut Hamavi, Ibn Khallikon, Ibn Qutlubuga, Tashkoprizoda and Ismail Baghdadi. The research and publications of Mahmoud Zamakhshari by modern scholars Ahmad Muhammad Khufi, Fazil Salih Somroi, Bahija Bakir Hasani, Mustafa Soviy Juvaini and Kamal Jabri Amin Abhari are important. The works of the scholars have been classified on the basis of the works and views of 10 mentioned historians and authors.

The first group includes Zamakhshari's works, which are mentioned in almost all of the 10 sources and comprise 31 books. The second group includes works whose names are mentioned in more sources and they comprise 28 books. The third group consisted of works mentioned in some historical sources and their total number is 42.

The following classification is popular in approaching the works of scholars in Zamakhshary studies. Many researchers who have studied the life and legacy of Zamakhshari have divided the legacy of the scholar into three parts:

1. Matbu' - published.
2. Makhtut - there is a manuscript.
3. Maqud - works that have not been found.

An important aspect of Zamakhshary studies is that this classification is widely used, and the approach to the works in the classification and their number are

¹⁰ سعدون، أحمد علي. أثر معاني القرآن للفراء و معاني القرآن و إعرابه للزجاج في الكشف الزمخشري. بغداد: جامعة بغداد، 2002

¹¹ Leopold Eisenlohr. Arabic Quantitative Metrics in al-Zamakhshari's al-Qistâs al-Mustaqîm. The Ohio State University, 2011.

constantly changing. There are many examples of this. For example, in 1966, the famous Zamakhshari scholar Professor Ahmed Muhammad al-Khufi mentioned the scholar's works "Ruusul-masail" and "Al-Minhaj Fil-Usul" in the list of missing works in his large and still respected work entitled "Zamakhshari". After some time, it became known that "Ruusul-masail" was kept in Chester Bit and "Al-Minhaj" in Berlin. He moved from the list of missing works to the list of wanted works. Ruusul-masail was published in 1987 and Al-Minhaj in 1997. At present, these two works are among the printed works of Mahmud Zamakhshari's classification of works. Due to the fact that the complete list of the scholar's works has not been completed and the works that were previously considered lost are being found, the lists of works in different studies differ from each other.

The research found that there are 27 printed (published) works by Mahmud Zamakhshari, 20 makhtut (manuscript) works and 44 mafqud (unfound) works.

In the second paragraph of the first chapter entitled "The Specifics of Zamakhshari's Legal Views", the factors that influenced the formation of Zamakhshari's legal views, the traditions of the development of Islamic law in the 11th-12th centuries, the activities of jurists, Hanafi, Maliki, Shafi'i and Hanbali jurists who worked during this period, are given.

The first factor in the formation of Zamakhshari as a jurist was the environment in which the scholar lived, the development of jurisprudence among various disciplines in Khwarazm, the existence of scientific relations between Khwarazm and Iraqi schools of jurisprudence, the Azamiya madrasa, which played an important role in the development of the Hanafi school of thought in the area of Imam Azam's mausoleum in Baghdad by Khwarazm investors and is still in operation, and the establishment of Imam Azam's Mashhad (shrine), Zamakhshari's visit to this Mashhad shows that he was in close contact with the Iraqi school of jurisprudence, and that Zamakhshari's teacher in jurisprudence was Sheikhul-Islam Alauddin Sadid ibn Muhammad al-Khayyati al-Khwarazmi, the science of jurisprudence in Baghdad was studied by Qazi Abu-l-Husayn Ahmad ibn Ali Domghani (1090-1145), and among his students and followers there were jurists of the Hanafi school are the foundations for the notion that the scholar was the faqih.

The second factor in the recognition of Zamakhshari as a faqih is the presence of jurisprudential works by the scholar:

1. "Mujam al-hudud". A work devoted to the concept of "had" in Islamic law.
2. "Ar-raiz fi ilm al-faraidh". A guide to inheritance in Islamic law.
3. "Ruus al-masa'il al-khilafiya bayn al-hanafiyya wa-sh-shafiyya" - a work devoted to "the main issues that distinguish the Hanafi and Shafi'i madhabs".
4. "Shakayk an-Nu'man fi manakib an-Nu'man" - a work dedicated to Imam Azam Abu Hanifa No'man ibn Thabit, the founder of the Hanafi madhab.
5. "Shafil-'ay min kalam ash-Shafi'y" a work about the founder of the Shafi sect, Imam Shafi.
6. At the same time, some sources mention that Zamakhshari wrote a commentary on the well-known Hanafi book "Mukhtasari Quduri"¹².

¹² هدية العارفين. مكتبة الشاملة. المكتبة الإلكترونية. www.shamela.ws

Among the six jurisprudential works of Mahmud Zamakhshari mentioned above, only one manuscript “Ruus al-Masail” has been found.

The third factor in the recognition of Mahmud Zamakhshari as a jurist is based on the fact that in the works of the scholar a certain attention was paid to the issues of jurisprudence. For example, in the tafsir “Al-Kashshof an hakayk gawamiz at-tanzil wa uyun al-akawil fi wujuh at-ta'wil”, which occupies the highest place among the works in terms of legal decisions arising from verses. Mahmoud Zamakhshari conveyed the views of No‘man ibn Thabit and his disciples such as Muhammad ibn Hasan Shaybani, Abu Yusuf Ya‘qub ibn Ibrahim al-Ansari and Zufar ibn Khuzail, and the name of Imam Azam is mentioned in more than a hundred places.

Allamah's “Al-faik fi gharib al-hadith” (An Excellent Guide to Explaining the Rare Meanings of Hadith), which is an authoritative source in the study of hadith, outlines the views of various schools of jurisprudence. In this regard, he clarified fatawa based on hadith.

Zamakhshari also praised the representatives of Islamic law in his works such as “Al-Kalim an-Nawabig” and “Atwak al-Zahab” and in his poetic “Devon”.

The fourth factor in the recognition of Mahmud Zamakhshari as a jurist is the mention of a scholar among jurists, in historical sources, in the literature on tabaqat written about the Hanafi school, in studies on Zamakhshari. This view is confirmed by Al-Qurashi (1297-1373), Ibn Qutlugh Beg (1399-1474), Abdulhai Laqnawi, the Iraqi scholar Bahiji Baqir al-Hasani, the Lebanese doctor Abdullah Nazir Ahmad and the Iranian doctor Mustafa Ayatullah Shirozi.

In the third paragraph of the first chapter, entitled “Mahmud Zamakhshari's Attitude Towards the Hanafi Teachings”, the scholar's views on this school are expressed, that he is a representative of the Hanafi madhhab, that he has covered the issues of fiqh from the point of view of the Hanafi madhhab, and that Zamakhshari's views are a representative of the Hanafi school in bibliographical sources and works of the tabaqat genre.

In the field of Islamic jurisprudence, it has been proved that Zamakhshari belongs to the madhhab founded by Imam Azam Abu Hanifa Noman ibn Thabit (699-767). This can be explained by the following three factors:

In dictionaries, Mahmud Zamakhshari is mentioned among the jurists of the Hanafi madhhab, including “Al-Jawahir al-Muziya fi tabaqat al-Hanafiya” by Al-Qurashi (1297-1373), “Tajut-tarajim fi tabaqat al-Hanafiya” by Ibn Qutlug‘beka (1399-1474) and “Mirot al-Jahan” by Yafi¹³.

One of the famous representatives of Hanafism - Abdulhay Laknavi (1848-1886) in his work “al-Fawaid al-bahiya fi tarojum al-hanafiya” considered Zamakhshari as one of the great jurists of the Hanafi school. The historical source “Shazarot az-zahab fi akhbar man zahab” describes the scholar as one of the leaders of this madhhab.

In 2013, the “Dar an-Nawadir” publishing house in Beirut presented Mahmoud Zamakhshari's work “Sharh al-maqamat”, which was prepared for publication by the

¹³ القرشي، عبد القادر ابن أبي الوفاء. الجواهر المضوية في طبقات الحنفية. حيدر آباد، 1910. ص.493، اللكنوي، محمد عبد الحي. الفوائد البهية في طبقات الحنفية. القاهرة: دار الكتب الإسلامي، 1970. ص.343-344، ابن قطلوبغا، قاسم. تاج التراجم. بيروت: دار القلم، 2009. ص.291-292

scholar Muhammad Sa'yid al-Faruqi al-Tarobulusi. The title of this book deserves special attention. The author of the book introduces Zamakhshari as “Al-imam Jorullah az-Zamakhshari Abul-Qasim Mahmud ibn Umar ibn Muhammad al-Khorazmi al-Hanafi”. In most sources, when speaking of Zamakhshari, it is usually emphasised that he is a Mu'tazila. The addition of the term “Hanafi” to the scholar's name in this work confirms that the scholar is a representative of the Hanafi madhhab¹⁴.

The second factor is that the views of Abu Hanifa and his disciples were given priority in the “Kashshof” commentary written by Zamakhshari. The researchers of the “Kashshof” tafsir noted that the jurisprudential issues in it were dealt with on the basis of the Kufa school of jurisprudence.

In 1998, the tafsir of Zamakhshari was prepared for publication in “Maktaba al-abyikon” with the participation of Adil Ahmad Abdul-majud, Ali Muhammad Muhammad, and Adult and Critical Linguistics teacher of the Faculty of Arabic Language of Azhar University, Dr. Fatxiy Abdurrahman Ahmad Hijazi¹⁵. One of the 6 volumes, about 4,000 pages, analyses the life of Mahmud Zamakhshari and the development of the science of tafsir. In more than a hundred places in Zamakhshari's “Kashshof”, Imam Azam Abu Hanifa Noman ibn Thabit and his students such as Muhammad ibn Hasan Shaybani, Abu Yusuf Ya'qub ibn Ibrahim al-Ansari and Zufar ibn Huzayl discussed the views of jurisprudence derived from the verses.

The third factor: Mahmoud Zamakhshari himself was proud to belong to the Hanafi madhhab. Mahmoud Zamakhshari was proud to be a representative of the Hanafi madhhab, and this has been recorded in the works of historians of different periods.

Dr Bahija Baqir al-Hasani, who has researched and published several works of the scholar, wrote the following verse from the famous historian Ibn Khallikon's “Wafayatul-A'yan” and Dr Abdullah Nazir Ahmad from the Egyptian scholar Ahmad Muhammad Al-Hufi's “Az-Zamakhshari” written by Zamakhshari:

My religion, faith, creed and madhhab,
I have associated them with the Hanafis, I have chosen them.
Their path is true, their madhhab is Hanafi,
I follow their path without effort¹⁶.

These verses mean that Mahmud Zamakhshari belonged to the Hanafi madhhab. It is noteworthy that scholars recognise that he belongs to the Hanafi school of belief when he says “my belief” in the poem.

The 42nd article of Zamakhshari's work “Atwaq az-zahab” is dedicated to Hanafi scholars. In it, the scholar states the following: “They added Hanafi knowledge to Hanafi religion and added Hanafi modesty to Hanafi knowledge”.

The second chapter of the dissertation is entitled “Analysis of the Source Study of Ruus al-Masail”. A single manuscript and the structural arrangement of the work are analysed. The number, place and interpretation of the verses of the Holy Qur'an

¹⁴ الطرابلسي، محمد سعيد الفاروقي. شرح المقامات الزمخشري. بيروت: دار النوادر، 2013

¹⁵ الزمخشري، محمود بن عمر. الكشاف عن حقائق التنزيل وعلوم الأقاويل في وجوه التأويل. رياض: مكتبة أبيكان، 2013

¹⁶ الحوفي، أحمد محمد. الزمخشري. القاهرة: دار الفكر العربي، 1966. ص. 91

mentioned in the manuscript are revealed. The attitude of the Muhadditheen towards the narration of a Hadith narrated in the work is revealed.

The first paragraph of the second chapter, entitled “Original Manuscript and Structural Arrangement”, analyses the unique manuscript, CBL 3600 “Ruusul-masail”, held by the Chester Beatty Library in Dublin, Ireland. The structure, content, subject matter and writing style of the manuscript are revealed. Propositions and observations are made as to where the manuscript was kept before it entered the Chester Beatty Library.

First, information was provided about the calligrapher Jandar ibn Abdurahman Shibli, who copied the manuscript. Based on the conclusions drawn from the history of the Shibli dynasty and the fact that the manuscript was kept for a long time in the famous Umayyad mosque in Damascus, it is suggested that the manuscript of “Ruusul-masail” was copied in Iraq or Syria, not in Khorezm. Analysis of the inscriptions on the first pages of the manuscript indicates that it was studied more by scholars of the Hanafi madhhab. The jurisprudential themes of “Ruusul-masail” are compared with 'Mukhtalaf al-Rivaya' and 'Ta'sis an-Nazar', which were written in the direction of comparative jurisprudence. The different aspects of these three works are analysed. The scope of “Mukhtalaf ar-Riwaya” is very wide, and the fact that the jurisprudential topics in 'Ta'sis an-Nazar' are relatively few shows that the attention to “Ruusul-masail” has not diminished over the centuries. The work covers the important topics of ilm al-khilaf (علم الخلاف) in an understandable and reasonable manner.

The method of short and concise statement of issues is used in the science of jurisprudence, and it can be felt that Mahmud Zamakhshari was influenced by this “short” method. The reason for using the abbreviated method is for educational purposes, i.e. to make it easier for students to learn and remember. Therefore, the main theme of the work is to briefly and clearly explain the important jurisprudential issues related to the Hanafi and Shafi'i madhhabs. Researchers have recognised “Ruusul-masail” as a rare source for the comparative study of madhhabs. Although it is a wonderful work, it has been proved that it covers all areas of jurisprudence and it is explained as follows: “If “Ruusul-masail” is read by a beginner who is just learning the fiqh madhhabs, he will have enough information about the madhhabs. If a student who has reached a higher level reads it, he/she will recapitulate what he/she has learnt about the madhhabs”.

In the second paragraph of the second chapter entitled “Use of Qur'anic verses in solving jurisprudential issues”, the location, number and interpretation of the ruling verses cited in the manuscript as evidence of the Hanafi school.

In the manuscript, 77 verses from 34 chapters of the Holy Qur'an are mentioned in 101 places as proofs of fiqh matters. Verse 115 of Surah “Baqara” is the first verse in the manuscript according to the order of the Qur'an, while verse 5 of Surah “Bayyina” should be noted as the last verse. According to the order of the manuscript, verse 11 of Sura “Anfal” is the first verse in the work and verse 75 of Sura “Nahl” is the last verse. One to three verses are mentioned on one page. Although there are 77 verses, they are mentioned in 101 places. Only verse 6 of Sura “Moida” is mentioned

in 14 places in the manuscript. The primary source of Islamic jurisprudence is the Holy Qur'an. For a jurist, a deep knowledge of the essence of the Qur'anic verses is required. In the process of researching the "Ruusul-masail" manuscript, it can be understood that Mahmud Zamakhshari was well versed in the interpretation of the holy verses of the Qur'an. By comparing the commentaries of the verses mentioned in the manuscript with the tafsir of "Kashshaf", an attempt was made to clarify the time of writing of "Ruusul-Masail" and it was concluded that "Ruusul-Masail" was written after the famous tafsir of the scholar.

In the third paragraph of the second chapter, entitled "Peculiar aspects of the narration of hadiths in the work", the importance of the hadiths narrated in the manuscript as evidence of the Hanafi madhhab is presented. In "Ruusul-Masail", Mahmud Zamakhshari compared the views of the Hanafi and Shafi'i madhhabs and noted the arguments in the fatwas of the two madhhabs. Although the scholar is considered to be a representative of the Hanafi madhhab, he was also well versed in the fundamentals of the Shafi'i madhhab. The work highlights verses of the Qur'an, hadiths and rulings of mujtahids that support the views of the two madhhabs. When mentioning hadiths, Zamakhshari was content to record their text and did not provide any information about the narrators of the hadiths. The fact that the Hadiths in the manuscript are mentioned in Hadith books recognised by Muhaddis scholars today shows that the scholar had a thorough knowledge of the basics of Hadith scholarship. Mahmud Zamakhshari's approach to hadith narration is analysed. The scholar mentions the attitude of Muhaddiths such as Imam Bukhari, Imam Muslim, Imam Tirmidhi, Abu Dawud, Ibn Moja, Nasa'i, Ibn Hibban, Darukutni, Hakim towards the hadiths recorded in the manuscript.

In "Ruusul-Masail", Mahmud Zamakhshari compared the views of the Hanafi and Shafi'i madhhabs and noted the arguments in the fatwas of the two madhhabs. Although Zamakhshari was considered a representative of the Hanafi school, he was also well versed in the fundamentals of the Shafi'i school. The work highlights verses of the Qur'an, hadiths and rulings of mujtahids that support the views of the two madhhabs. When mentioning hadiths, Zamakhshari was content to record their text. He did not provide any information about the narrators of the hadiths. The fact that the Hadiths in the manuscript are mentioned in Hadith books recognised by Muhaddis scholars today shows that the scholar had a thorough knowledge of the basics of Hadith science. The total number of hadiths mentioned in "Ruusul-masail" is 347.

In this work, the unique aspects of the transmission of Hadith are shown in the following four aspects:

1. When quoting hadiths, the scholar is content to convey their meanings (question 40).
2. In some cases, he combines the meanings of several hadiths (question 42).
3. Zamakhshari does not mention the narrators and sanad of hadiths, despite his deep knowledge of hadith.
4. He interprets the words of some companions and subordinates as hadith (questions 85, 267, 344).

The above cases can be explained by the fact that Zamakhshari used the method of jurists and not the method of muhaddiths in his approach to hadith.

The third chapter of the dissertation is titled "Shedding Light on the Issues of the Hanafi Madhhab in "Ruusul-masail" and reveals the method of Mahmud Zamakhshari in highlighting the teachings of the Hanafi Madhhab, the role of the scholar's works in scientifically substantiating the teachings of the Hanafi Madhhab, as well as the importance of resolving fiqh issues by Zamakhshari.

The first paragraph of the third chapter is devoted to "Zamakhshari's Approach to Explaining the Hanafi Teachings", and it is noted that in the work "Ruus al-Masail", 406 questions relating to 42 areas of Islamic law are set out, which differ between the Hanafi and Shafi madhhabs. Some questions in the manuscript have been compared with "Kanz ad-dakik" (Abul-Barakat Abdullah ibn Ahmad an-Nasafi), "Tuhfa al-fuqaho" (Alauddin as-Samarkandi), "Badai' as-sanayi' fi tarib al-sharai" (Alauddin Abu Bakr ibn Masud al-Kosani), "al-Hidaya" (Burhoniddin Ali ibn Abi Bakr Marginani), "Kifaya" (Shari Mukhtasari Vikaya) by Sheikh Muhammad Sadiq Muhammad Yusuf.

Mahmud Zamakhshari used the Hanafi style as a basis for organising the chapters of "Ruusul-Masail". It is typical of the Hanafi madhhab approach that the book is organised by mentioning chapters such as prayers, muamalat, munokahot, (marriage), crime and punishment, hunting and sacrifice, qaza (judgement) and ikrah (compulsion) at the end with a chapter on inheritance.

Although the presentation of topics in Ruusul-Masail is in line with the main books of the Hanafi madhhab, the author's unique approach can be seen in the treatment of some topics:

- The author has placed the chapter "Ikroh (Compulsory Circumstances)" after the chapter "Divorce". In Hanafi books, this chapter is usually cited after the chapter on Qaza;

- The chapter "Itq (Release)" was presented by the author as the last chapter of "Ruusul-Masail". In most Hanafi books it is cited after the chapter on marriage;

- The author narrates the issues of the Hanafi madhhab directly from the founder of the madhhab, Imam Azam Abu Hanifa No'man ibn Thabit (699-767).

- In some cases, two students of Imam Abu Hanifa narrate the issue from Imam Muhammad and Imam Abu Yusuf (issues 8, 148, 318).

Mahmud Zamakhshari had a good understanding of the teachings of the Hanafi madhhab and was able to present the legal issues related to this doctrine in a reasonable manner in his works. Mahmud Zamakhshari's views on the Hanafi madhhab are consistent with the rulings of the famous Hanafi sources such as "Hidaya", "Kanz ad-Daqaiq", "Tuhfa al-Fuqaho" and "Badayi' - as-sanayi'". Zamakhshari was able to express his independent point of view on some issues. This shows that the scholar is an experienced jurist and a mature representative of the Hanafi madhhab.

The second paragraph of the third chapter is entitled "Zamakhshari's Method in Discussing Mu'amalat" and analyses the differences between the methods and arguments of the Hanafi and Shafi'i madhhabs. The moderation and tolerance of the

Hanafi madhhab is revealed in the manuscript through specific examples based on an analysis of the differences between the madhhabs. Although "Ruus al-Masail" is a work devoted to the differences between the madhhabs, it has been proved that it has gained significant importance in the scientific substantiation of the doctrine of the Hanafi madhhab for centuries, attracting the attention of scholars and jurists of the Hanafi madhhab.

"Ruusul-Masail", written by Zamakhshari, became more famous than other works of the same name because it dealt with the issues related to the sects in Islam in a comparative way, used a concise method of expression, and was written in an easily understandable and fluent language. It became the leader among the works written in "ilmul-khilaf", i.e. the summary method of comparative jurisprudence.

The main theme of the work is to explain important jurisprudential issues in a short and concise manner within the framework of the madhhabs. The style of short and concise presentation of issues is used in jurisprudence, and it can be felt that the author Zamahashari was influenced by this "brief" style. The reason for using the abbreviated method is also pedagogical, i.e. to make it easier for students to learn and remember.

Researchers have recognised Ruusul-Masail as an important source for the comparative study of madhhabs. They have noted that although the work is short, it covers all areas of the science of fiqh.

It should be noted that in Ruusul-Masail the author presented two, and in some cases three, schools of thought on the same subject. The work shows Zamakhshari's deep knowledge of issues related not only to one jurisprudential madhhab, but also to others. The scholar presented each issue related to madhhabs with his evidence.

The third section of the third chapter is entitled "The Significance of "Ruusul-masail" in solving modern problems of Islamic law, it analyses the relationship between madhhabs and sects using the example of the works of Mahmud Zamakhshari, in particular "Ruusul-masail". The role of "Ruusul-masail" in defending the teachings of the Hanafi school and in rejecting the ideas of various destructive sects.

Comparative jurisprudence justifies "tamazhub", the need for a person who has not reached the level of ijtiḥad in science to follow a jurisprudential school, and shows the negative consequences of "lamazhabiya", i.e. non-sectarianism. Mahmud Zamakhshari's work "Ruusul-masail" is important in revealing the scientific basis of "tamazhub", i.e. following a madhhab, which is one of the foundations of Islamic doctrine¹⁷. Jorullah Mahmud Zamakhshari spoke on behalf of Hanafiism in almost all of the 406 issues mentioned in the work. His statement of the Hanafi view with the phrases "we believe; in our view" and his arguments, in some places he noted the attitude of the Hanafi madhhab to the arguments of the opposing sects, and this is important in proving the relevance of following the madhhab.

¹⁷ Shayx Muhammad Sodiq Muhammad Yusuf. Mazhablar birlik ramzi...-T: Hilolnashr, 2018.

CONCLUSION

The following conclusions have been drawn from the research and analysis carried out within the framework of the objectives and tasks presented in the dissertation:

1. There are different approaches of Zamakhshari scholars to the number, title, publication and manuscripts of Mahmud Zamakhshari's works. In studies of recent years, the total number of Alloma works was noted as 91, and they were classified as follows: 27 works were published (مطبوع), manuscripts of 20 works are stored in different scripts of the world (مخطوط), 44 works are mentioned in the sources, but have not yet been found (مفقود). Until now, there is no list of Zamakhshari's writings in any historical source, but he wrote two works based on materials from modern scholars: "The Miracle of Sura Kausar" (إعجاز سورة الكوثر) and "Commentary of al-Fasih" (شرح الفسيح).

2. According to sources related to the history of Islamic law, the total number of Mahmud Zamakhshari's works on jurisprudence and jurists is 6. They are "Mo'jam al-hudud", "ar-Raiz fiy ilm al-faroi", "Ruusul-masail al-khilafiyya bayn al-hanafiyya wash-shafi'iyya", "Shaqaiq an-nu'man fiy haqaiq an-Nu'man", "Shafi al-ayyi min kalam ash-Shafi'I" and "Sharh al-mukhtasar al-Quduri". It is not found in five of these jurisprudential works (مفقود). Only one manuscript of "Ruusul-masail" was found and published (مطبوع).

3. The description of Hanafiism in Mahmud Zamakhshari's heritage can be explained on the basis of his 6 works: "Kashshof" commentary, "Al-Faiq fi Gharib al-Hadith", "Ruusul-masail", "Atvaq az-zahab", "al-Kalim an-navabig" and poetic "Devon". In more than 100 places of the "Kashshof" tafsir, the views of the Hanafi school of jurisprudence are noted. In "Ruusul-Masail" Zamakhshari expressed the views of the Hanafis with the phrase "in our presence". In "Al-Faiq fi Gharib al-Hadith", the scholar, citing the Shari'i rulings of different directions, in most cases gives the same attitude to the views of all madhhabs, but in some places he states the issue on the side of the Hanafi madhhab, saying "In the eyes of our masters" and in one place "In our eyes". Imam Azam and his followers are described in the works "Atvaq az-zahab" and "al-Kalim an-navabig". Zamakhshari praised the Hanafi school of poetry and was proud to be a representative of this school.

4. "Ruusul-Masail" contains 406 issues related to 42 areas of Islamic law. Due to the fact that Hanafi and Shafi'i views are presented in each issue, jurisprudential solutions to a total of 812 issues related to the two madhhabs are noted. The fact that the evidence of the Hanafi and Shafi'i school of jurisprudence in the work consists of Quranic verses, hadiths, or comparisons shows that Zamakhshari thoroughly understood the teachings of Islamic law, its foundations and schools. It is noteworthy that Imam Abu Hanifa and Imam Shafei's views were compared when explaining the views of the two madhhabs.

5. In the "Ruusul-Masail" manuscript, 77 verses from the 34 surahs of the Holy Qur'an are mentioned in 101 places as evidence for jurisprudential issues. Similarities were observed when the mention of Quranic verses in the work was compared with "al-Kashshaf"'s interpretation of the scholar. Accordingly, it can be said that "Ruusul-

Masail” was written after the commentary of “Kashshaf”. The reason is that, when writing his famous tafsir, the scholar also expressed the views of different jurisprudential schools. This, in turn, was useful in explaining the controversial issues between the Hanafi and Shafi’i madhhabs.

6. When mentioning hadiths, Zamakhshari was content with recording their text. He did not provide information about the narrators of the hadith. The hadiths in the manuscript are recognized today by muhaddi scholars: the works of scholars such as “Sahih Muslim”, Termizi, Abu Dawud, Ibn Moja, Darukutni, Daylami in the “Sunan” series, mentioned in the works written by Jalaluddin Suyuti and Imam Nawawi, show that the author thoroughly knew the basics of hadith studies. The total number of hadiths mentioned in "Ruusul-Masail" is 347. In his approach to hadiths, Zamakhshari used the method of jurists, not the method of muhaddis.

7. Mahmud Zamakhshari's views on the Hanafi madhhab are consistent with the rulings of the famous Hanafi sources such as “Hidaya”, “Kanz ad-Daqiq”, “Tuhfa al-Fuqaho” and “Badayi'-as-sanayi’”. Zamakhshari was able to express his independent point of view on some issues. This shows that the scholar is a skilled scholar of jurisprudence and a mature representative of the Hanafi madhhab.

8. Mahmud Zamakhshari's work “Ruusul-masail” shows that the Hanafi madhhab paid more attention to human dignity, rights and freedoms than other madhhabs. This situation is observed in property relations, jurisprudential solutions related to ensuring the right to liberty and freedom, especially in approaches to women's and children's rights.

9. The work “Ruusul-Masail” is important in the scientific justification of “tamazhub”, that is, following a sect, which is one of the foundations of Islamic teachings. Zamakhshari's presentation of the views of the Hanafi madhhab and their arguments, and in some places, the note of Hanafi's attitude to the arguments of the opposing madhhab, is important in proving the relevance of following the madhhab.

Based on the issues analysed in the study and the conclusions drawn, the following proposals and recommendations were developed:

1. Preparation of a scientific project revealing the role and importance of “Ruusul-masail” in Islamic comparative jurisprudence in cooperation with the Imam Moturidi International Research Center of the International Islamic Academy of Uzbekistan;

2. Preparation of the curriculum, text of lectures and presentations of the subject “Hanafi madhhab” based on “Ruusul-Masail” organized for the students of the Training Center under the International Islamic Academy of Uzbekistan;

3. Preparation of programs dedicated to revealing the tolerance and moderation of the Hanafi madhhab based on the “Ruusul-masail” in the part of the “Great figures” program of the Uzbekistan National Television and Radio Company dedicated to the legacy of Mahmud Zamakhshari.

**НАУЧНЫЙ СОВЕТ DSc.35/30.12.2019.IsI/Tar/F.57.01 ПО
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МЕЖДУНАРОДНОЙ ИСЛАМСКОЙ АКАДЕМИИ УЗБЕКИСТАНА**

МЕЖДУНАРОДНАЯ ИСЛАМСКАЯ АКАДЕМИЯ УЗБЕКИСТАНА

САИДЖАЛОЛОВ САИДАФЗАЛ САИДХАНБАЛОВИЧ

**ТОЛКОВАНИЕ ХАНАФИТСКОГО МАЗХАБА В ТРУДЕ МАХМУДА
ЗАМАХШАРИ "РУУСУЛ-МАСАИЛ"**

24.00.01 – История и источниковедение ислама

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Цель исследования заключается в разъяснении толкования ханафитской школы в труде Махмуда Замахшари “Руусул-масаил”.

Задачи исследования заключаются в следующем:

выявить разные подходы к изучению трудов Махмуда Замахшари;
изложить взгляды на труды Замахшари в области фикха;
привести определение ханафизма в трудах Махмуда Замахшари;
раскрыть анализ правовых вопросов в “Руусул-масаил”;
объяснить случаи использования аятов Корана при решении задач по фикху ;
обосновать особенности передачи хадисов в произведении;
установить подход Замахшари к толкованию ханафитского мазхаба;
показать метод ученого при аргументации им вопросов по фикху;
обосновать значение “Руусул-масаил” в решении современных проблем исламской юриспруденции и разработать предложения и рекомендации.

Объектом исследования был выбран труд Махмуда Замахшари “Руусул-масаил”.

Предметом исследования являются взгляды ханафитской школы, изложенные в труде “Руусул-масаил” Махмуда Замахшари.

Научная новизна исследования заключается в следующем:

Доказано, что Махмуд Замахшари является представителем ханафитской школы в вопросах исламского права на основании того, что ученый указывает на ханафитский подход по 406 спорным вопросам в своем труде “Руусул-масаил” при помощи фразы عندنا - «на наш взгляд»;

Обосновано, что в государстве Хорезмшахов в X-XII вв. несмотря на присутствие представителей и ханафитских и шафиитских школ ханафизм обладал сильным статусом в регионе благодаря поддержке ханафитского мазхаба в трудах ведущих ученых того времени, таких как “Руусул-масаил” (رؤوس المسائل) Замахшари, “Мухталаф ар-ривая” (مختلف الرواية) Абуллайса ас-Самарканди” и “Таъсис ан-назар” (تأسيس النظر) Абу Зайда ад-Дабуси.

Доказано, что подход аз-Замахшари в разрешении вопросов фикха в “Руусул-масаил” близок к подходу «Бадаиъ»; это было установлено после осуществления сравнительного анализа методов изложения следующих авторитетных трудов ханафитского мазхаба: “Тухфа ал-фукаха” (تحفة الفقهاء), “Бадаиъ-ас-санайъ” (بدائع الصنائع), “Канз ад-дакаик” (كنز الدقائق), “ал-Хидая” (الهداية), “Кифая” (الكفاية), на основании анализа 49-вопроса об “Определении направления Киблы”, 104-вопроса “О вычете закята с умершего человека” и 137-вопроса “О больном человеке, который не обязан совершать хадж, даже если он богат”.

Научно обосновано, что подход ханафитской школы более толерантен, чем у других правовых школ, основываясь на следующие вопросы в книге “Руусул-масаил”: вопрос 218 о “Признании (إقرار) некоторых обязательств несовершеннолетними”, вопрос 228 об “Отношениях между мусульманином и зимми (ذمي)”, вопрос 291 о “Мабтуте (مبتوتة) - о праве на наследство

женщины, муж который умер при бракоразводном процессе” и вопросы 299, 300, 301 и 397 “О мукатабе (مكاتب) и освобождении (عتق) раба(رقبة)”.

Внедрение результатов исследования. Результаты исследования толкования ханафитского мазхаба в труде Махмуда Замахшари “Руусул-масаил” были использованы следующим образом:

Научный вывод о том, что Махмуд Замахшари является представителем ханафитской школы в вопросах исламского права на основании того, что ученый указывает на ханафитский подход по 406 спорным вопросам в своем труде “Руусул-масаил” при помощи фразы عندنا - “на наш взгляд” включен в содержание книги “Историко-философское наследие средневековых ученых и мыслителей”, подготовленной на основании заказа Международного исследовательского центра имама Бухари при Кабинете Министров Республики Узбекистан. (справка № 02/239 от 18 мая 2023 года Международного исследовательского центра имама Бухари при Кабинете Министров Республики Узбекистан). В результате книга обогащена новыми сведениями, выявленными в новейших отечественных и зарубежных исследованиях о деятельности Махмуда Замахшари;

Научный вывод о том, что подход аз-Замахшари в разрешении вопросов фикха в “Руусул-масаил” близок к подходу “Бадаиъ”; и что было установлено после осуществления сравнительного анализа методов изложения следующих авторитетных трудов ханафитского мазхаба: “Тухфа ал-фукаха” (تحفة الفقهاء), “Бадаиъ-ас-санайиъ” (بدائع الصنائع), “Канз ад-дака’ик” (كنز الدقائق), “ал-Хидая” (الهداية), “Кифая” (الكفاية), на основании анализа 49-вопроса об “Определении направления Киблы”, 104-вопроса “О вычете закята с умершего человека” и 137-вопроса “О больном человеке, который не обязан совершать хадж, даже если он богат” был внедрен в содержание курса “Исламские мазхабы и секты” для имамов-хатибов в Учебном центре при Международной исламской академии Узбекистана. (справка № 1527 Управления мусульман Узбекистана от 19 мая 2023 г.); Результат служит для расширения знаний о правовых школах в исламе, особенно о ханафитском толке, на обучающих курсах, организованных для представителей религиозной сферы.

Научные выводы о том, что в государстве Хорезмшахов в X-XII вв. несмотря на присутствие представителей и ханафитских и шафиитских школ ханафизм обладал сильным статусом в регионе благодаря поддержке ханафитского мазхаба в трудах ведущих ученых того времени, таких как “Руусул-масаил” (رؤوس المسائل) Замахшари, “Мухталаф ар-ривая” (مختلف الرواية) Абуллайса ас-Самарканди и “Таъсис ан-назар” (تأسيس النظر) Абу Зайда ад-Дабуси были включены в учебники “Учения и секты в исламе”, “Секты и течения в исламе” и “Течения и секты в религиях (мира)” (справка № 02-03/3883 от 19 мая 2023 г. Комитета по делам религий при Кабинете Министров Республики Узбекистан). Результаты исследования были использованы для методического совершенствования и развития научных и учебных дисциплин “Мазхабы и течения в исламе”, “Сравнительное

изучение мазхабов”, “Развитие исламского права в Центральной Азии”, “Учение ханафитского мазхаба”, “Мыслители Средней Азии”;

Научные выводы о том, что подход ханафитской школы более толерантен, чем у других правовых школ, основываясь на следующие вопросы в книге “Руусу-л-масаил”: вопрос 218 о “Признании (إقرار) некоторых обязательств несовершеннолетними”, вопрос 228 об “Отношениях между мусульманином и зимми (ذمي)”, вопрос 291 о “Мабтуте (مبتوتة) - о праве на наследство женщины, муж который умер при бракоразводном процессе”, и вопросы 299, 300, 301 и 397 “О мукатабе (مكاتب) и освобождении (عتق) раба(رقبة)” были использованы в ряде мероприятий, указанных в Приложении 1 к Постановлению ПК-5186 “О дополнительных мерах по дальнейшему совершенствованию деятельности Центра исламской цивилизации в Узбекистане при Кабинете Министров Республики Узбекистана” “Вклад в развитие мировой науки и цивилизации” “Изучение научного наследия наших предков и популяризация достижений новой эры роста”; (справка № 08-17/438 от 18 мая 2023 года Центра исламской цивилизации в Узбекистане при Кабинете Министров Республики Узбекистан). Результат исследования послужил пропаганде идей толерантности среди населения, особенно среди молодежи.

Апробация результатов исследования. Результаты данного исследования были публично обсуждены на 3 международных и 8 республиканских научно-практических конференциях.

Публикации по результатам исследования. Всего по теме диссертации опубликованы 25 научных работ по теме исследования, в том числе 10 статей в научных изданиях, рекомендованных к публикации Высшей аттестационной комиссией Республики Узбекистан, три из которых опубликованы в зарубежных журналах.

Структура и объем диссертации. Диссертация состоит из введения, трех глав, каждая из которых подразделена на три параграфа, а также заключения, списка использованной литературы и приложения. Объем диссертации составляет 134 страниц.

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