

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

O‘ZBEKISTON XALQARO ISLOM AKADEMIYASI

TO‘XTASINOV RO‘ZIMUXAMMAD NURMAXAMAD O‘G‘LI

**X-XIII ASRLAR MOVAROUNNAHR KLASSIK FIQH
MANBALARIDA QIMMATBAHO TOSHLARDAN FOYDALANISH
HUKMLARI**

24.00.01 – Islom tarixi va manbashunosligi

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

Toshkent – 2024

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исламским наукам**

To‘xtasinov Ro‘zimuxammad Nurmaxamad o‘g‘li

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KIRISH (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)

Dissertasiya mavzusining mavzuning dolzarbligi va zarurati. Dunyo tarixidan ma'lumki, ma'danlar, qimmatbaho toshlar, jumladan tilla, kumush, yoqut, olmos, marvarid, zumrad kabi mahsulotlar insonlar tomonidan katta qiziqish bildirilgan resurslardan biri bo'lib, ular o'zaro aloqalarni amalga oshirish, davlatlarning ichki va tashqi iqtisodiy munosabatlarini yo'lga qo'yish, xalq farovonligini belgilashda muhim ahamiyat kasb etadi. Shuningdek ular energetika, kimyo, qurilish, zargarlik, tibbiyot sohalarining rivojlanishida yordamchi manba sanaladi. Shundan kelib chiqib, qimmatbaho toshlarga nisbatan shar'iy munosabat islomshunos olimlar, faqihlarning nazaridan chetda qolmagan. Islom dini paydo bo'lgandan (VII asr) to hozirgi XXI asrga qadar musulmonlar ma'danlarga oid ibodat va moliyaviy muomalalarni amalga oshirishda faqihlarning chiqargan fatvolariga asosan ish tutganlar. Insonlarning urf-odati, an'anasi, turmush tarzi o'zgaruvchan ekanini inobatga olib, har bir zamon va mintaqa olimlari qimmatbaho toshlarga doir masalalarni og'zaki va yozma tarzda nazariy asoslab berishi dolzarb ish hisoblangan.

Jahondagi zamonaviy xalqaro islom universitet va ilmiy-tadqiqot markazlarida ma'danlar, qimmatbaho toshlardan foydalanish hukmlari bo'yicha ilmiy ishlar olib borilayotgani ushbu yo'nalishning ilmiy ahamiyati bugungi kunda ham yuqori ekanini anglatadi. Mazkur tadqiqotlarda qimmatbaho toshlarni konlardan qazib olish (الركاز), unga egalik qilish (التملك), saqlash (الإدخار), tasarruf qilish (التصرف), sotish va sotib olish (البيع والشراء), vaqf qilish (الوقف), tabobatda qo'llash (التداوي) kabi ishlarning shar'iy nuqtai nazari o'rganilmoqda. Shundan kelib chiqqan holda hanafiy mazhabi, jumladan, Movarounnahr fiqh manbalari asosida ma'danlarga doir hukmlarning o'ziga xos jihatlari, faqihlar tomonidan mintaqaviy muammolarga berilgan yechimlar, mahalliy fatvolarning o'xshash va farqli jihatlarni o'rganish zamonaviy muammolarga yechim topishda muhim ahamiyat kasb etadi.

Yangi O'zbekistonda diniy-ma'rifiy sohada amalga oshirilayotgan islohotlar hanafiy fiqhi va mazhab ulamolarining ilmiy-ma'naviy merosini o'rganish hamda uni jamoatchilikka yetkazishda keng imkoniyatlarni yaratmoqda. Buning natijasi o'laroq olimlar tomonidan Burhoniddin Marg'inoniyning "الهداية" [Hidoya] – "To'g'ri yo'l", Ubaydulloh ibn Mas'udning "مختصر الوقاية" [Muxtasarul viqoya] – "Viqoyaning qisqartmasi", Alouddin Kosoniyning "بدائع الصنائع في ترتيب الشرائع" [Badao'us-sanoe fi tartibish-sharoe] – "Shar'iy hukmlarni tartibga solishdagi go'zal san'atlar" kabi asarlarining o'zbek tilidagi izohli tarjimasini amalga oshirilishi, sharhlanishi, turli mavzudagi kitob va risolalar chop etilishi qimmatbaho toshlarning zamonaviy, mintaqaviy muammolariga yechim bo'lmoqda. Shu bois Movarounnahr faqihlarining klassik asarlari asosida qimmatbaho toshlar iste'moliga doir hukmlarni chuqur ilmiy tahlil qilish sohadagi tadqiqotlarning izchil davomi bo'lib xizmat qiladi.

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, 2018-yil 19-dekabrda PQ-4068-son "Moddiy madaniy meros obyektlarini muhofaza qilish sohasidagi faoliyatni tubdan takomillashtirish chora-tadbirlari to'g'risida"gi, 2022-yil 10-fevralda PQ-126-son "Qadimiy yozma manbalarni saqlash, tadqiq etish tizimini takomillashtirishga qo'shimcha chora tadbirlar to'g'risida"gi qarorlarida belgilangan vazifalarni amalga oshirishda ushbu dissertatsiya ishi muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo'nalishlariga mosligi. Dissertatsiya respublika fan va texnologiyalar rivojlanishining I. "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. Tadqiqot mavzusi bo'yicha amalga oshirilgan ishlarni tarixiy nuqtai nazardan uch bosqichga: X-XIII, XIV-XX hamda XXI asrlarga oid mumtoz va zamonaviy tadqiqotlarga ajratish mumkin.

X-XIII asrlar mobaynida Alouddin Samarqandiy (vaf. 539/1145), Nosuriddin Samarqandiy (556/1161), Sirojiddin Ali ibn Usmon O'shiy (vaf. 575/1179), Alouddin Kosoniy (vaf. 587/1191), Faxriddin Qozixon (592/1196), Burhoniddin Marg'inoniy (593/1197), Burhoniddin Mahmud ibn Ahmad Buxoriy¹ (616/1219), kabi faqihlar fiqh ilmini eng rivojlangan darajaga olib chiqdilar. Shuning uchun ularning matn, sharh, hoshiya yo'nalishidagi asarlari tadqiqot mavzusini tizimli o'rganishda, mazhab va mazhablararo qarashlarni o'zaro qiyoslashda asos sanaladi.

Husomiddin Sig'noqiy (vaf. 710/1310), Akmaliddin Bobartiy (vaf. 714/1314), Ubaydulloh ibn Mas'ud (vaf. 747/1346), Qivomiddin Kokiy (vaf. 749/1348), Qivomuddin Itqoniy (vaf. 758/1357), Jamoliddin Zaylaiy (vaf. 762/1360), Badruddin Ayniy (vaf. 855/1451), Kamol ibn Humom (vaf. 861/1457), Zayniddin ibn Nujaym Misriy (vaf. 970/1563), Mulla Ali Qori² (vaf. 1014/1606) kabi faqihlar esa X-XIII asrlarga doir Movarounnahr fiqh manbalariga sharh, hoshiya, ta'liq yozish orqali qimmatbaho toshlarga doir masalalarni yanada qaror toptirishga xizmat qildi. Shuningdek, XIX asrda yashab ijod etgan Ibn Obidin (vaf. 1252/1836), Abdul G'aniy Maydoniy (vaf. 1298/1881), Abdul Hay Laknaviy³ (vaf.

¹ علاء الدين السمرقندي. تحفة الفقهاء. - بيروت: دار الكتب العلمية، 1994. - ج. 2. - 375 ص. ناصر الدين السمرقندي. الفقه النافع. - الرياض: أيبكان، 2000. - ج. 2. - 440 ص. سراج الدين الحنفي. فتاوى السراجية. - دار العلوم زكريا، 2011. - 696 ص. علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. - بيروت: دار الكتب العلمية، 2003. - ج. 5. - 576 ص. فخر الدين قاضي خان. فتاوى قاضي خان. - بيروت: دار الكتب العلمية، 2009. - ج. 2. - 639 ص. برهان الدين المرغيناني. متن بداية المبتدي في فقه الإمام أبي حنيفة. - القاهرة: مطبعة محمد علي صبح. - 267 ص. برهان الدين محمود بن أحمد البخاري. المحيط البرهاني في الفقه النعماني. - بيروت: دار الكتب العلمية، 2004. - ج. 2. - 495 ص.
² حسين بن علي السغناقي. النهاية في شرح الهداية. - مكة: جامعة أم القرى، 1436. - ج. 1. - 484 ص. أكمل الدين البائري. العناية شرح الهداية. - مصر: شركة مكتبة ومطبعة مصطفى البابي الحلبي وأولاده، 1970. - ج. 1. - 680 ص. عبيد الله بن مسعود. مختصر الوقاية. - طشقند: ماوراء النهر، 1991. - 190 ص. عبيد الله بن مسعود. شرح الوقاية. - عمان: الوراق، 2006. - ج. 1. - 118 ص. قوام الدين الكاكي. معراج الدراية في شرح الهداية. - بيروت: دار الكتب العلمية، 2023. - ج. 1. - 1056 ص. قوام الدين الإيتقاني. غاية البيان ونادرة الزمان في آخر الأوان. - تركيا: ملت كئل، وقف فيض الله أفندي. مخطوطة برقم 871. - 530 ص. جمال الدين الزيلعي. نصب الراية لأحاديث الهداية. - جدة: دار القبلة والثقافة الإسلامية، 2011. - ج. - 2342 ص. بدر الدين العيني. البناية شرح الهداية. - بيروت: دار الكتب العلمية، 2000. - ج. 7. - 540 ص. كمال الدين بن الهمام. فتح القدير على الهداية. - بيروت: دار الكتب العلمية، 2003. - ج. 1. - 650 ص. ابن نجيم المصري. البحر الرائق شرح كنز الدقائق. - بيروت: دار الكتب العلمية، 1997. - ج. 1. - 671 ص. علي بن سلطان محمد القاري. فتح باب العناية بشرح «النقاية». - بيروت: دار الأرقم بن أبي الأرقم، 1997. - ج. 1. - 752 ص.
³ ابن عابدين. حاشية رد المحتار على الدر المختار شرح تنوير الأبصار. - مصر: شركة مكتبة ومطبعة مصطفى البابي الحلبي وأولاده، 1966. - ج.

1304/1886) kabi olimlarning asarlarida ham qimmatbaho toshlardan foydalanishga oid masalalar keng o'rganilgan hamda klassik manbalar asosida o'sha vaqtda paydo bo'lgan muammolarga yechimlar berilgan.

Mavzu yuzasidan sharq va g'arb tadqiqotchilari tomonidan amalga oshirilgan zamonaviy tadqiqotlarni tillar bo'yicha quyidagi turkumlarga ajratish mumkin:

Arab tilida Vahba Zuhayliy (vaf. 1435/2015), Muhammad Taqiy Usmoniy, Yusuf Qarzoviy, Said Bektosh, Doktor Solih Sharif, Doktor Saloh Abul Hoj, Abir binti Ali Madiyfar, Odil Muhammad Amin Toyyib Ro'ziy⁴ kabi olimlar qimmatbaho toshlar savdosi, ziynatlanish hukmlari, ma'danlar zakotining iqtisodiy rivojlanishda tutgan o'rni kabi muhim mavzularda tadqiqot olib borgan.

Ingliz tilida Ibrahim Ramjaun, Md Zafar Alam Bhuiyan, Gholamreza Atei, Fatemeh Rezaei, Mahboubeh Khadem Abolfazl, Nouredine Krichene, Hassan Ghassan⁵, rus tilida esa A. Nasirov, T. Ignatova, A. Dobaev, S. Nesturov, B. Nuriev.⁶ kabi olimlar tomonidan tadqiqot mavzusi turli rakursdan o'rganilgan. Turk tadqiqotchilaridan Yusuf Erdem Gezgin, Haçi Çiçek, Mehmet Çetin, Hasan Koçabas⁷ kabi olimlar qimmatbaho toshlardan zargarlik buyumlari yasash hamda uni tibbiyotda qo'llash kabi ishlarning shar'iy nuqtai nazarini o'rgangan.

Tadqiqot mavzusi bo'yicha o'zbek tilida R.Zohid, A.Dehqon, Maqsudxo'ja ibn Mansurxo'ja, Shayx Abdulaziz Mansur, Shayx Muhammad Sodiq Muhammad Yusuf, A.Saidov, A.Qambarov, I.Bekmirzayev, R.Abdullayev⁸ kabi bir qator

2. – 628 ص. عبد الغني الغنيمي الدمشقي الميداني. اللباب في شرح الكتاب. – بيروت: المكتبة العلمية، 2014. – ج. 1. – 560 ص. عبد الحي الكنوي. عمدة الرعاية على شرح الوقاية. – بيروت: دار الكتب العلمية، 2000. – ج. 1. – 574 ص.
4 وهبة الزحيلي. فقه الإسلام وأدلته. – دمشق: دار الفكر، 1985. – ج. 1. – 547 ص. محمد تقي العثماني. بحث في قضايا فقهية معاصرة. – دمشق: دار القلم، 2003. – ج. 1. – 454 ص. فقه البيوع. – كراتشي: معارف القرآن، 2015. – ج. 1. – 625 ص. يوسف القرصاوي. فقه الزكاة. – بيروت: مؤسسة الرسالة، 2004. – ج. 1-2. – 1228 ص. سائد بكداش. تحقيق اللباب في شرح الكتاب. – بيروت: دار البشائر الإسلامية ودار السراج، 2014. – 3196 ص. المصنف غير محدد. المشرف: دكتور صالح شريف. أحكام الحلبي في الإسلام. رسالة ماجستير. أردن: الجامعة الإسلامية، 2000. – 164 ص. عيبر بنت علي مديفر. المشرف: دكتور عبد الله بن موسى عمار عظيم شكري. أحكام الزينة. رسالة ماجستير. – الرياض: جامعة الإمام محمد بن سعود الإسلامية، 2002. – 1154 ص. ختام العارف عماوي. المشرف: دكتور ناصر الدين الشاعر. دور الزكاة في التنمية الاقتصادية. رسالة ماجستير. – فلسطين: جامعة النجاح، 2010. – 213 ص. عادل محمد أمين الطيب روزي. المشرف الفقهي: د. محمد حلمي السيد عيسى. المشرف الاقتصادي: د. محمد أمين اللبائدي. أحكام الصرف في الإسلام. – الرياض: أم القرى، 1996. – 388 ص.

⁵ Ibrahim Ramjaun. Islam and Luxury Consumption Article. Université Paris Sorbonne Abu Dhabi. See discussions, stats and author profiles for this publication at: <https://www.researchgate.net/publication/324828495> April 2018. – 16 p. Md Zafar Alam Bhuiyan. Islamic Fashion in South-East Asia: A Descriptive Research on web based Preprint. Shanto Mariam University of Creative Technology. See discussions, stats and author profiles for this publication at: <https://www.researchgate.net/publication/327136868>. August 2018 DOI: 10.13140/RG.2.2.19161.98407. – 63 p. Gholamreza Atei, Fatemeh Rezaei and Mahboubeh Khadem Abolfazl. Why is Gold Forbidden for Men in Islam An original study. <https://www.researchgate.net/publication/277078212>. February 2015. License [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/). – P. 11-14. Nouredine Krichene, Hassan Belkacem Ghassan. The Preeminence of Gold and Silver as Shariah Money. https://mpira.ub.uni-muenchen.de/95445/8/MPRA_paper_95445.pdf. Umm Al-Qura University, IMF. 2017. – 31 p.

⁶ Nasirov A. Zakyat (очистительная подать) как система социального обеспечения в исламской экономике. – Казан: Молодой учёный, 2011. ISSN 2072-0297. № 9 (32). – С. 99-104. Игнатова Т., Добаев А. Система «хавала» в исламской экономике. – Москва: «Россия и Мусульманский мир», 2017. – № 2. – С. 39-54. Nesturov S. Zakyat как способ преодоления бедности в мусульманском обществе. – Санкт-Петербург: Вопросы теологии, 2022. <https://doi.org/10.21638/spbu28.2022.204>. – Том. 4. – № 2. – С. 233–240. Нуриев Б. Zakyat в классическом мусульманском праве. – Кострома: Вестник КГУ им. Некрасова Н., 2015. – № 3. – С. 178-182.

⁷ Yusuf Erdem Gezgin. Fikhî açıdan altın mübadele işlemleri. – Konya: Necmettin Erbakan üniversitesi sosyal bilimler enstitüsü temel islam bilimleri Anabilim dali islam hukuku bilim dali, 2019. – 314 s. Hacı Çiçek. Es-suyûti'nin Makâmât'ında konuşan değerli taşlar: el-makâmatu'l-yâkütiyye örneği. – Adiyaman: Adiyaman Üniversitesi İslami İlimler Fakültesi İslami İlimler Araştırmaları Dergisi 1 (2017/2), 21-42. Mehmet Çetin. İslam'da Kuyumculuk. – İstanbul: “Hayat yayınları”, 2014. – 448 s. <https://www.kitapyurdu.com/kitap/islamda-kuyumculuk/454010.html>. Hasan Koçabas. Şifali taşlar. – İstanbul: “Çınaraltı Yayınları”, 2017. <https://www.amazon.com/Sifali-Taslar-Hasan-Kocabas/dp/60555563908>. – 496 s.

⁸ Ubaydulloh ibn Mas'ud. (Nashrga tayyorlovchilar: R.Zohid, A.Dehqon). Muxtasar. – Toshkent: Cho'lpon, 1994. –

O‘zbekistonlik olimlar tomonidan qimmatbaho toshlarga oid masalalarni qamrab olgan fiqhiy manbalarni ilmiy-zohli tarjima qilish, sharhlash, jumladan, mavzu doirasida risola, kitob, o‘quv qo‘llanma, ilmiy maqolalar nashr etish kabi ishlar amalga oshirilgan. Ammo o‘zbek tilida amalga oshirilgan ishlarda tadqiqot mavzusi kompleks tarzda alohida obyekt sifatida o‘rganilmagan.

Tadqiqotning dissertatsiya bajarilgan oliy ta’lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi. Dissertatsiya O‘zbekiston xalqaro islom akademiyasining 2020–2022 yillarga mo‘ljallangan FZ-202002146 – “Markaziy Osiyo mutafakkirlari asarlari asosida buzg‘unchi g‘oyalarga qarshi kurashning ma’rifiy, tarbiyaviy asoslarini o‘zida jamlagan multimedia dasturi hamda mobil ilovasini yaratish” mavzuidagi ilmiy loyihasi doirasida amalga oshirilgan.

Tadqiqotning maqsadi X-XIII asrlar Movarounnahr fiqh manbalarida qimmatbaho toshlardan foydalanishga doir hukmlarni ijtimoiy-iqtisodiy masalalarni hal etishdagi ahamiyatini ochib berishdan iborat.

Tadqiqotning vazifalari:

X-XIII asrlar Movarounnahr fiqh manbalarida qimmatbaho toshlarga doir masalalarning metodologik asoslarini aniqlash;

qimmatbaho toshlar tushunchasiga munosabatlar va atamalarni tahlil qilish;

qimmatbaho toshlarga doir masalalar borasida amalga oshirilgan zamonaviy tadqiqotlarni aniqlash;

matn, sharh va fatvo yo‘nalishidagi manbalari asosida ayollarning ziynat buyumlaridan foydalanishiga oid hukmlarni belgilab berish;

erkaklarning ma’danlar iste’moliga doir masalalar tahlilini amalga oshirish;

maishiy hayotda ma’danlardan foydalanish hukmlarini ochib berish;

naqd pul va tijorat mollarining zakotiga doir masalalarni asoslab berish;

ma’danlarning savdosi va vaqfiga doir hukmlarni aniqlash;

qimmatbaho toshlardan foydalanishning zamonaviy fiqhiy jihatlari va o‘ziga xos xususiyatlarini ko‘rsatib berishdan iborat.

Dissertatsiyaning obyektini X-XIII asrlar Movarounnahr fiqh manbalari tashkil qiladi.

Tadqiqotning predmeti X-XIII asrlar Movarounnahr fiqh manbalaridagi qimmatbaho toshlar bilan bog‘liq hukmlar, fatvolardan iborat.

Tadqiqotning usullari. Dissertatsiyada kompleks yondashuv, dialektik, tizimlilik, muammoviy-maqsadli, analiz, sintez va qiyosiy tahlil kabi tadqiqot usullari hamda tarixiylik va mantiqiylik tamoyillari qo‘llanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

X-XIII asrlarda Movarounnahr tangalaridagi kumush nisbati shar’iy dirham (الدرهم الشرعي)dan kamayib ketgani bois zakot nisobini tangalarning soni emas,

450 b. Maqsudxo‘ja ibn Mansurxo‘ja. Majmaul maqsud. – Toshkent: Sharq, 2015. – 608 b. Burhoniddin Marg‘inoniy. (Tarjimon: A.Saidov va boshqalar). – Toshkent: Adolat, 2000. – 500 b. Burhoniddin Marg‘inoniy. (Tarjimon: A.Qambarov, I Bekmirzayev). Hidoya. – Toshkent: Hilol-Nashr, 2022. – J. 1. – 894 b. Shayx Muhammad Sodiq Muhammad Yusuf. Kifoya. – Toshkent: Hilol-Nashr, 2014. – J. 2. – 584 b. Mo‘minning najoti. Mufassal zakot kitobi. – Toshkent: Hilol-Nashr, 2018. – 200 b. Hadis va hayot – Savdo, ziroat va vaqf. – Toshkent: Hilol-Nashr, 2014. – J. 11. – 304 b. Abdullayev R. Islom iqtisodiyotida savdo va tadbirkorlik. – Toshkent: “Lesson press”, 2022. – 232 b.

balki, ular tarkibidagi kumushning og'irligiga muvofiq belgilash amaliyoti joriy etilishi natijasida mintaqada yuzaga kelgan zakot bilan bog'liq muammolarning yechimi bo'lib xizmat qilgani asoslangan;

Burhoniddin Mahmud Buxoriyning "Muhit" asarida dinor (الدينار) va dirham (الدرهم)larni muomalaga kiritish bilan bog'liq: ularning tovar va xizmatlar uchun o'lchov bo'lishi, hammaga ma'lum hokimiyat tomonidan ishlab chiqarilishi, ommaga mashhur bo'lishi kabi shartlarning belgilanishi zamonaviy qog'oz va elektron pullar muomalasining shar'iy yechimiga asos bo'lib xizmat qilgani dalillangan;

Burhoniddin Mahmud Buxoriyning "Muhit" va Faxriddin Qozixonning "Fatavo" asarlarida Movarounnahrda "g'atrifiy", "buxoriy", "sattuqo", "nabahraja", "idoliy", "farg'oniy", "fulus" nomli tanga turlari mavjud bo'lib, Qur'on va hadisda zikr qilinmagani bois ularning zakoti vazniga emas, balki qiymatining tilla yoki kumush nisobiga qarab hisoblanishi lozimligi to'g'risidagi qoida ishlab chiqilgani ilmiy asoslangan;

Movarounnahr faqihlari mazhab yetakchilaridan biri - Imom Muhammadning tilla-kumush va boshqa qimmatbaho toshlarning vaqfi joizligi haqidagi fatvolarini amaliyotga joriy etgani "Fatavo Qozixon" asarining وقف المنقول [vaqful manqul] – "ko'char mulkning vaqfi" mavzusi bilan dalillanib, uning zamonaviy vaqf fondlari faoliyati uchun shar'iy asos bo'lib xizmat qilayotgani ochib berilgan.

Tadqiqotning amaliy natijasi. X-XIII asrlar Movarounnahr faqihlaridan biri Husomiddin Sodrush Shahidning حيرة الفقهاء [Hayratul-fuqaho] – "Faqihlarni hayratga solgan fatvolar" asarining 2009 yilda misrlik tadqiqotchi Sayyid Yusuf Ahmad nashri hamda Istanbuldagi Sulaymoniya kutubxonasi Asad Afandi bo'limida № 96-inventar raqam ostida saqlanayotgan qo'lyozmasi qiyosiy tahlil qilinib, mavjud farqli jihatlar sabablari, ularning mazmunga ta'siri ko'rsatib berilgan;

X-XIII asrlar Movarounnahr fiqhiga oid jami 60 dan ortiq asar aniqlanib, ulardan O'zbekiston Respublikasi Fanlar Akademiyasi Abu Rayhon Beruniy nomidagi Sharqshunoslik instituti qo'lyozma fondida saqlanayotgan 34 ta manbaning mavzularini tasniflash asosida ulardagi qimmatbaho toshlar bilan bog'liq hukmlarning o'ziga xos jihatlari dalillangan;

"Badoeus-sanoe", "Hidoya", "Muhit", "Fatavo Qozixon" asarlarida tilla, kumush, olmos va boshqa qimmatbaho toshlardan uzuk, sirg'a, marjon kabi zebziynat buyumi sifatida foydalanish, ularni saqlash, tish, burun, qo'l, oyoq kabi a'zolarni davolash maqsadida tilla yoki kumushni qo'llashga doir 34 ta, ularning zakotiga oid 105 ta, savdosi, ijarasi, vaqfi va boshqa muomalalarga doir 84 ta mahalliy fatvolar amalda bo'lgani aniqlangan;

Burhoniddin Marg'inoniyning «Hidoya» asari asosida qimmatbaho toshlarning zakoti, savdosi, egalik qilish, tasarruf qilishga doir masalalardan 144 ta usul va fiqh qoidalar aniqlandi hamda ular manbalarda ochiq keltirilmagan masalalarning yechimini topishda, bir-biriga o'xshash masalalarni aniqlashda amaliy yordam berishi asoslangan.

Tadqiqot natijalarining ishonchliligi uning O'zbekiston Respublikasi Fanlar Akademiyasi Abu Rayhon Beruniy nomidagi Sharqshunoslik instituti

qo'lyozmalar fondida X-XIII asrlar Movarounnahr fiqhiga doir بداية المبتدي [Bidoyatul mubtadiy] – “Boshlovchilar uchun qo'llanma” asarining № 3895, الهداية [Hidoya] – “To'g'ri yo'l” asarining № 11302-I,II, المحيط البرهاني في الفقه النعماني, “Muhit Burhoniy fil-fiqhin-No'moniy” – “No'moniy fiqh bo'yicha Burhoniy qamrab oluvchi” asarining № 3161, بدائع الصنائع في ترتيب الشرائع [Badaoeus-sanoe fi tartibish-sharoe] – “Shar'iy hukmlarni tartibga solishdagi go'zal san'atlar” asarining № 11026, مختصر الوقاية [Muxtasarul viqoya] – “Viqoyaning qisqartmasi” asarining № 11703, الفقه النافع [al-Fiqh an-nofe] – “Foydali fiqh” asarining № 4704 va № 3032-inventar raqamlar ostida saqlanayotgan qo'lyozma nusxalari hamda ularning zamonaviy nashriga tayanilgani, dalillar bilan asoslangani, zamonaviy qiyosiy-tarixiy usullardan foydalanilgani hamda Sharq va G'arb islomshunoslik maktablarida shakllangan qator ilmiy tadqiqot usullaridan foydalanilgani, tadqiqot natijalarining vakolatli tashkilotlar tomonidan tasdiqlanganligi bilan izohlanadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijalarining ilmiy ahamiyati unda bayon etilgan X-XIII asrlar Movarounnahr fiqh manbalarida keltirilgan qimmatbaho toshlarga doir hukmlarning ijtimoiy-iqtisodiy ahamiyati borasidagi ilmiy-nazariy xulosalar, taklif va mulohazalardan sohaga oid kelgusi ilmiy tadqiqot va izlanishlarga asos bo'lib xizmat qilishi bilan belgilanadi.

Tadqiqotning amaliy ahamiyati X-XIII asrlar Movarounnahr fiqh manbalarida qimmatbaho toshlarning hukmlariga doir ilgari surilgan ijtimoiy-iqtisodiy, ilmiy-ma'rifiy g'oyalardan “Islom tarixi va manbashunosligi”, “Islom huquqi” fanlari bo'yicha darslik, o'quv qo'llanma, ilmiy-ommabop risolalar, diniy ta'lim muassasalari mutaxassis kadrlari uchun mo'ljallangan maxsus kurslar bo'yicha o'qiladigan ma'ruzalarda, o'quv-uslubiy dasturlarni tayyorlashda foydalanish mumkinligi bilan belgilanadi.

Tadqiqot natijalarining joriy qilinishi. X-XIII asrlar Movarounnahr klassik fiqh manbalarida qimmatbaho toshlardan foydalanish hukmlari mavzusi bo'yicha olib borilgan tadqiqot natijasida ishlab chiqilgan ilmiy xulosalar va takliflar asosida:

X-XIII asrlarda Movarounnahr tangalaridagi kumush nisbati shar'iy dirham (الدرهم الشرعي) dan kamayib ketgani bois zakot nisobini tangalarning soni emas, balki, ular tarkibidagi kumushning og'irligiga muvofiq belgilash amaliyoti joriy etilishi natijasida mintaqada yuzaga kelgan zakot bilan bog'liq muammolarning yechimi bo'lib xizmat qilgani asoslangani haqidagi ilmiy xulosalar O'zbekiston Respublikasi Din ishlari bo'yicha qo'mitasining buyurtmasi asosida chop etilgan “Hayratul fuqaho” kitobining ilmiy izohli tarjimasi mazmuniga singdirildi (O'zbekiston Respublikasi Din ishlari bo'yicha qo'mitasining 2024-yil 19-martdagi № 02-02.864-son ma'lumotnomasi). Natijada Movarounnahr faqihlari tarixda mintaqaviy muammolarga nisbatan qanday shar'iy yechim bergani haqidagi ma'lumotlar ilmiy jamoatchilikka yetib borishiga xizmat qilgan;

Burhoniddin Mahmud Buxoriyning “Muhit” asarida dinor (الدينار) va dirham (الدرهم) larni muomalaga kiritish bilan bog'liq: ularning tovar va xizmatlar uchun o'lchov bo'lishi, hammaga ma'lum hokimiyat tomonidan ishlab chiqarilishi, ommaga mashhur bo'lishi kabi shartlarning belgilanishi zamonaviy qog'oz va

elektron pullar muomalasining shar'iy yechimiga asos bo'lib xizmat qilgani dalillangani xususidagi xulosalardan Imom Termiziy xalqaro ilmiy-tadqiqot markazi tomonidan tayyorlangan "Sunani Termiziy sharhi" kitobining mazmuniga singdirildi (O'zbekiston musulmonlari idorasi huzuridagi Imom Termiziy xalqaro ilmiy-tadqiqot markazining 2023-yil 20-dekabrda № 01-07/251-son ma'lumotnomasi). Natijada X-XIII asrlar Movarounnahr faqihlari tomonidan chiqarilgan fatvolarning o'rganilishi bugungi kundagi zamonaviy masalalarga yechim berishda o'ziga xos xizmat qilgan;

Burhoniddin Mahmud Buxoriyning "Muhit" va Faxriddin Qozixonning "Fatavo" asarlarida Movarounnahr diyorlarida "g'atrifiy", "buxoriy", "sattuqo", "nabahrja", "idoliy", "farg'oniy", "fulus" nomli tanga turlari mavjud bo'lib, Qur'on va hadisda zikr qilinmagani bois ularning zakoti vazniga emas, balki qiymatining tilla yoki kumush nisobiga qarab hisoblanishi lozimligi to'g'risidagi qoida ishlab chiqilgani ilmiy asoslangani haqidagi ilmiy xulosalar O'zbekiston musulmonlari idorasi tasarrufidagi Mir Arab oliy madrasasida nashr etilgan "Usulul fiqh" o'quv qo'llanmasiga singdirilgan (O'zbekiston musulmonlari idorasining 2023-yil 20-noyabrda № 4920-son ma'lumotnomasi). Natijada O'zbekiston musulmonlari idorasi tasarrufidagi diniy ta'lim muassasalari talabalarining ma'danlar zakotiga doir masalalar orqali mazhab imomlarining usul va fiqh qoidalarini o'zlashtirishiga xizmat qilgan;

Movarounnahr faqihlari mazhab yetakchilaridan biri – Imom Muhammadning tilla-kumush va boshqa qimmatbaho toshlarning vaqfi joizligi haqidagi fatvolarini amaliyotga joriy etgani "Fatavoi Qozixon" asarining وقف المنقول [vaqful manqul] – "ko'char mulkning vaqfi" mavzusi bilan dalillanib, uning zamonaviy vaqf fondlari faoliyati uchun shar'iy asos bo'lib xizmat qilayotgani to'g'risidagi ilmiy xulosalar "Hidoya" asarining izohli akademik tarjimasiga singdirildi (O'zbekiston Respublikasi Vazirlar Mahkamasi huzuridagi O'zbekistondagi Islom sivilizatsiyasi markazining 2024-yil 12-martda № 08-17/115-son ma'lumotnomasi). Natijada bugungi kundagi islom ulamolari Movarounnahr faqihlarining fatvo uslubini amaliyotda qo'llayotgani haqidagi qarashlarni keng jamoatchilikka yetkazishga xizmat qilgan.

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot natijalari jami 11 ta – 3 ta xalqaro va 8 ta respublika ilmiy-amaliy anjumanlarida aprobatsiyadan o'tgan.

Tadqiqot natijalarining e'lon qilinganligi. Tadqiqot mavzusi bo'yicha 27 ta ilmiy ish, shulardan, O'zbekiston Respublikasi Oliy attestatsiya komissiyasining doktorlik dissertatsiyalari asosiy ilmiy natijalarini chop etishga tavsiya etilgan ilmiy nashrlarida 9 ta maqola, ulardan 6 tasi respublika va 3 tasi xorijiy ilmiy jurnallarda va 7 ta maqola boshqa jurnallarda chop etilgan. 3 ta xalqaro va 8 ta mahalliy anjuman to'plamlarida tezislari e'lon qilingan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi, kirish, uchta bob, xulosa va foydalanilgan adabiyotlar ro'yxatidan iborat. Dissertatsiyaning hajmi 155 betni tashkil etgan.

DISSERTATSIYANING ASOSIY MAZMUNI

Kirish qismida dissertatsiya mavzusining dolzarbligi va zarurati asoslanib, tadqiqotning maqsadi va uning vazifalari, o'rganish obyekti va predmeti aniqlangan. Tadqiqotning fan va texnologiyalar taraqqiyotining ustuvor yo'nalishlariga mosligi ko'rsatilib, ishning ilmiy yangiligi va amaliy natijalari bayon etilgan. Olingan natijalarning ishonchliligi asoslangan holda ularning nazariy va amaliy ahamiyati ochib berilgan. Tadqiqot natijalarining amaliyotga joriy qilinishi, ishning aprobatsiyasi, e'lon qilingan ishlar va dissertatsiyaning tuzilishi to'g'risidagi ma'lumotlar keltirilgan.

Dissertatsiyaning birinchi bobi **“X-XIII asrlar movarounnahr klassik fiqh manbalari va zamonaviy tadqiqotlarda qimmatbaho toshlarga doir masalalarning o'rganilish metodlari”**, deb nomlanadi.

Ushbu bobning birinchi paragrafi *“X-XIII asrlar Movarounnahr fiqh manbalarida qimmatbaho toshlarga doir metodologik yondashuvlar”*, deb nomlanib, unda hanafiy mazhabining Movarounnahrda kirib kelishi, tarqalishi, X-XIII asrlarda o'lkada hanafiy fiqhida yozilgan asarlar tasnifi va ularning qimmatbaho toshlarni o'rganish metodologiyasi ochib berildi. Movarounnahrlik faqihlar tomonidan yozilgan X-XIII asrlarga oid jami 60 dan ortiq asarlar bor ekani aniqlandi. Shulardan O'zbekiston fanlar akademiyasi Abu Rayhon Beruniy nomidagi Sharqshunoslik instituti sharq qo'lyozmalari fondida saqlanayotgan jami 34 ta asarning inventar raqamlari dissertatsiyada ko'ristib o'tildi.

[Biboyatul mubtadiy] بداية المبتدي, “Faqihlar tuhfası”, [Tuhfatul fuqaho] تحفة الفقهاء – “Boshlovchilar qo'llanmasi”, [Viqoyatur rivoya fi masailil hidoya] وقاية الرواية في مسائل الهداية, “Hidoya masalalari bo'yicha rivoyatlarni saqlash”, كنز [Muxtasarul viqoya] مختصر الوقاية, “Nozik masalalar xazinasi”, [Kanzud daqoiq] الدقائق [Fatavoi Qozixon] – “Qozixonning fatvolari” kabi asarlar متن [matn] yo'nalishida bo'lib, ular qimmatbaho toshlarga doir ma'lumotlarni keltirishda qisqa, aniq, eslab qolishga qulay ekani bilan boshqa yo'nalishdagi manbalardan ajralib turadi. Undan tashqari matn mualliflari har bir mavzuning bayonida “Zohirur rivoya”⁹ dan tashqariga chiqmaslikka, kuchsiz rivoyatlardan foydalanmaslikka harakat qilgan. Misol uchun “Muxtasarul Viqoya” asarida tilla kumushning zakoti borasida: “Tillaning nisobi yigirma misqoldir. Kumushniki esa ikki yuz dirhamdir”, deyiladi¹⁰. Ushbu hukmning naqliy va aqliy dalili, faqihlarning ixtiloflari nimalardan iborat ekani bo'yicha bahs munozalarga kirishilmagan. Shuning uchun bunday ma'lumotlarni o'zlashtirishda الهداية [Hidoya] – “To'g'ri yo'l”, المحيط البرهاني, [Badaoeus-sanoe fi tartibish-sharoe] بدائع الصنائع في ترتيب الشرائع, “Muhit Burhoniy fil-fiqhin-No'moniy” – “No'moniy fiqh bo'yicha Burhoniy qamrab oluvchi”, فتاوى قاضيخان [Fatavoi Qozixon] – “Qozixonning fatvolari” kabi sharh hamda fatvo yo'nalishidagi kitoblar alohida ahamiyatga ega. “Zakot kitobi”ning “Mutlaq (doimiy) pullar – tilla, kumush”, “Tijorat mollari”, “Fitr sadaqasi” boblarida,

⁹ “Zohirur rivoya” hanafiy mazhabi imomlarining yeng kuchli naql bilan yetib kelgan manbalar to'plamidir (وهبة (الزحيلي). فقه الإسلام وأدلته. – دمشق: دار الفكر، 1985. ج. – ص. 547.

¹⁰ مختصر الوقاية. عبيد الله بن مسعود. – Qozon: “Центральная”, 1911. – В. 35.

“Savdolar” kitobining “Badalga (sotib olinayotgan narsaning to‘loviga) taalluqli shartlar”, “Ribo” (sudxo‘rlik), “Sarf” (naqd pul ayirboshlash) fasllarida, “Istehson” kitobining “Libos”, “Yeyish” bo‘limlarida qimmatbaho toshlarga doir masalalar o‘rganilgan¹¹. Faqihlar tadqiqotga oid mavzularga nom, joy tanlash, dalillarni tartiblash borasida mustaqil va o‘z uslubiga ega bo‘lganlar. Shuningdek bu janrdagi asarlar mazhablar orasidagi ixtiloflarni bayon qilish hamda fiqhiy qarashlardan birini tarjih qilish (ustunlik jihatlarini o‘rganish), o‘xshash masalalarni jamlovchi usuliy va fiqhiy qoidalar keltirish uslubida yozilgan. Shu e‘tibordan, sharh janridagi manbalar المقارن [Fiqhul muqorin] – “Mazhablararo qiyoslash” fanini shakllanishida muhim ahamiyatga ega.

Birinchi bobning “*Qimmatbaho toshlar tushunchasiga munosabatlar va atamalar tahlili*” nomli bandida qimmatbaho toshlarga doir istilohlar ilmiy tahlil qilindi. Qimmatbaho toshlar fiqh va arab tili manbalarida حلي [halyun] deyilib, uning ma‘nosi “ma‘dan” yoki “toshlardan yasalgan, ziynat uchun ishlatiladigan mahsulot” degan so‘zlarga to‘g‘ri keladi¹². Shuningdek, معدن (ma‘dan) tabiiy tarzda yer ostida uchraydigan, كنز (kanz) esa inson omili bilan yer ostiga ko‘milgan, ركاز (rikoz) esa ikkala ma‘noda ham qo‘llaniladigan atamadir. Shuningdek qimmatbaho toshlarga nisbatan umumiy tarzda “الأحجار الكريمة” [al-ahjar al-karima], “الآحجار الثمينة” [al-ahjar as-samina] degan ibora ham qo‘llanilgan. Bu atamalar borasida hanafiy mazhabi faqihlari bilan boshqa mazhab faqihlari orasida o‘xshash va farqli jihatlar mavjud bo‘lib, bu farqlar hukmlarning farqli bo‘lishiga ham ta‘sir qilgan.

Tilla va kumushdan yasalgan tangalar naqd, dinor, dirham, variq, tibr, nuqra, sabiyka, jiyod, zayuf, sattuqa, nabahraja, fals kabi nomlar bilan atalgan. Tangalarga bunday nom berilishida uning qay holda tayyorligi, tarkibidagi tilla va kumushning miqdori, pulning sifat darajasi kabi jihatlar e‘tiborga olingan. Shuningdek “Muhit” asarida: وضخ [vadoxun] – “taqinchoq”, تاج [tojun], إكليل [ikliylun] – “toj”, عقد [iqdun], قلادة [qilodatun] – “marjon” (bo‘yinga taqiladigan), قرط [qurtun] – “zirak”, خاتم [xotamun] – “uzuk”, فتح [fataxun] – “ko‘zsiz uzuk”, خلخال [xolxolun] – “halqa” (ayollarning oyog‘iga taqiladigan taqinchoq), مسك [masakun], سوار [sivarun], قلب [qulbun] – “bilaguzuk” kabi qimmatbaho toshlardan yasalgan taqinchoqlar iste‘moli odamlar orasida urf bo‘lgani aytiladi¹³. Jumladan, qimmatbaho toshlarning tahorati (poklash), zakoti, nisobi, vaqfi, bayi (savdosi), ijarasi, oriyasi kabi atamalarning fiqhiy ma‘nosini bilish ularga aloqador hukmlarni bilishga asos bo‘ladi.

Birinchi bobning “*Ma‘danlar bo‘yicha amalga oshirilgan zamonaviy tadqiqotlar*” nomli bandida esa mavzuning ijtimoiy-iqtisodiy, ma‘naviy-ma‘rifiy ahamiyatidan kelib chiqib, bugungi kunda amalga oshirilgan zamonaviy tadqiqotlar o‘rganildi. Qimmatbaho toshlardan foydalanish hukmlari borasida arab, ingliz, turk va boshqa bir nechta tillarda tadqiqotlar amalga oshirilgan. Albatta, ularning ichida islom ulamolari tomonidan e‘tirof etilib, amaliyotga joriy qilinganlari, ayrim juz‘iy kamchiliklar tufayli ba‘zi e‘tiroz va tanqidga

¹¹ علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. - بيروت: دار الكتب العلمية، 2003. - ج. 2. - ص. 371.

¹² ابن عابدين. حاشية رد المحتار على الدر المختار شرح تنوير الأبصار. - الرياض: دار عالم الكتب، 2003. - ج. 3. - ص. 277. وزارة الأوقاف والشؤون الإسلامية. الموسوعة الفقهية الكويتية. - الكويت: مكتبة العال، 1983. - ج. 18. - ص. 109.

¹³ برهان الدين محمود بن أحمد البخاري. المحيط البرهاني في الفقه النعماني. - بيروت: دار الكتب العلمية. 2004. - ج. 5. - ص. 346.

uchraganlari mavjud. Shuningdek, zamonaviy tadqiqotlarning deyarli barchasida hanafiy mazhabining qarashlarini o'rganishda Movarounnahr fiqh manbalariga murojaat qilingan.

Darhaqiqat, islom huquqi manbalarida qimmatbaho toshlarga doir shar'iy hukmlarni keltirish bilan bir qatorda o'sha davrdagi aholining turmush tarzi, ijtimoiy-iqtisodiy holati, ilmiy-ma'rifiy dunyoqarashi muhokama qilinadi. Shuningdek qimmatbaho toshlardan yasalgan tangalarning og'irligi, shakl-u shamoili haqida ma'lumotlar beriladi. Mahalliy hukmdorlar zarb qilgan tangalar, ularga berilgan nomlar fiqhiy hukmlar bayoni asnosida keltirib o'tiladi. Shunga ko'ra zamonaviy tadqiqotlarni amalga oshirishda Movarounnahr mintaqasiga xos hukmlarni aniqlashda ushbu mintaq faqihlariga mansub manbalardan foydalanish muhim ahamiyatga ega.

Dissertatsiyaning ikkinchi bobi **“Furuul fiqh manbalarida qimmatbaho toshlardan ziynat maqsadida foydalanish hukmlari”**, deb nomlanadi.

Bobning birinchi bandi *“Ayollarning ma'danlardan ziynat buyumi sifatida foydalanishi borasidagi ruxsat va ta'qiqqlarning shar'iy asoslari”*, deb nomlanib, unda ayollarning ziynatlanishga bo'lgan ehtiyojidan kelib chiqib, qimmatbaho toshlardan ziynat buyumi sifatida foydalanish to'g'risidagi shar'iy ruxsatlar (الإباحة) hamda chegaralar (الحظر) haqida faqihlarning qarashlari tahlil qilinadi. Barcha fiqh manbalari qatori Movarounnahr fiqh manbalarida ayollarning ziynat buyumlaridan foydalanish hukmlari o'ziga xos uslubda o'rganilgan.

“Hidoya”, “Badoeus-sanoe”, “Muhit” kabi asarlarda kelgan qarashlardan qimmatbaho toshlardan ziynat buyumi sifatida foydalanishning joiz yoki nojoiz ekani ikki narsa: ziynat buyumlari yasaladigan qimmatbaho toshning turi, undan foydalanishning kayfiyatiga bog'liq ekani mulohaza qilinadi. Erkak va ayollarga tegishli hukmlarning farqi asosan birinchi turda ko'rinadi. Ikkinchisida ularning hukmlari umumiy ekani tushuniladi. Shunga ko'ra, 1. Tilla va kumush; 2. Javohir, yoqut, zabarjad; 3. Temir mis, qo'rg'oshindan yasalgan ziynat buyumlarining hukmlari alohida muhokama qilingan. Mavzu yuzasidan mazhab faqihlari ijmo qilgan, o'zaro ixtilof qilgan o'rinlar mavjud¹⁴. Tadqiqot ishida faqihlar ijmosiga xilof fikrlarga hanafiy mazhabi faqihlarining raddiyalari berilgan hamda mazhab fikrlari mustahkamlagan¹⁵.

Shuningdek, ayollar va erkaklarga xos bo'lgan, g'ayri dinlarning diniy shiori aks etgan, jonli narsalarning surati chizilgan yoki uning shaklida yasalgan taqinchoqlardan foydalanishi mumkin emas¹⁶. Hadis taqozosiga ko'ra o'ta qimmatbaho taqinchoqlardan foydalanib isrofgarchilikka yo'l qo'yish yoki umuman ziynatlanishni tark qilib, atrofda gilarni o'zidan uzoqlashtirishdan

¹⁴ برهان الدين محمود بن أحمد البخاري. المحيط البرهاني في الفقه النعماني. - ج. 5. - ص. 346. علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. - ج. 6. - ص. 519. أحمد بن علي بن حجر العسقلاني. فتح الباري بشرح البخاري. - مصر: المكتبة السلفية، 1390. - ج. 10. - ص. 317. أبو زكريا محيي الدين يحيى بن شرف النووي. المنهاج شرح صحيح مسلم بن الحجاج. - بيروت: دار إحياء التراث العربي، 1392. - ج. 14. - ص. 33. عبد الرحمن بن أبي بكر، جلال الدين السيوطي. حاشية السندي على سنن النسائي. - حلب: مكتب المطبوعات الإسلامية، 1986. - ج. 8. - ص. 157.

¹⁵ أدب الزفاف في السنة المطهرة. - ص. 118-88.

¹⁶ شمس الدين أحمد قاضي زاده. تكملة شرح فتح القدير المسماة: «نتائج الأفكار في كشف الرموز والأسرار». - لبنان: دار الفكر، 1970. - ج. 10. - ص. 22. أحمد الدردير. الشرح الكبير على مختصر خليل. - بيروت: دار إحياء الكتب العربية، 2010. - ج. 1. - ص. 63. أبو زكريا محيي الدين يحيى بن شرف النووي. روضة الطالبين وعمدة المفتين. - بيروت: المكتب الإسلامي، 1991. - ج. 2. - ص. 263.

qaytarilgan. Shuningdek, bayram, xursandchilik, aza, mahzunlik kunlarida, er, mahram yoki begona shaxslar huzurida ziynatlanish hukmlari orasidagi farqlar belgilab berilgan¹⁷. Qimmatbaho toshlardan iborat ziynat buyumlari kiyim hukmida bo‘lgani bois ularda kiyim kiyishning farz, vojib, sunnat, mustahab, muboh, harom bo‘lgan hukmlariga rioya qilish talab qilinadi. Taqinchoqdan madad so‘rash, baxt-saodat keltirishidan umidvor bo‘lish, ishlarni muvaffaqiyatli amalga oshishida uni sababchi qilib ko‘rsatish kabi e’tiqodni buzilishiga sabab bo‘ladigan ishlardan saqlanish lozim.

Ikkinchi bobning “*Erkaklarning ma’danlar iste’moliga oid qarashlar tahlili*”, deb nomlangan bandida islom shariati erkaklarning ham o‘zlariga e’tiborli bo‘lib, tashqi ko‘rinishlarini ko‘rkam qilib yurishini buyurgani mulohaza qilinadi. Ziynatlanish bilan bir qatorda, viqor, salobat, g‘ayrat-shijoat kabi erkaklikka xos sifatlarni saqlab qolish lozimligi ta’kidlangan. Islom shariati nuqtai nazaridan qimmatbaho toshlardan yasalgan taqinchoqlarni taqish erkaklarning ana shu sifatlariga putur yetkazishi e’tiboridan bu borada bir qancha ta’qiq va cheklovlar mavjud. Qimmatbaho taqinchoqlar bilan ziynatlanish ayollarga xos ish deya qaralgan. Shuning uchun ziynat bo‘lmagan ayrim o‘rinlardagina, zarurat sababli erkaklarning qimmatbaho toshlar iste’moliga ruxsat berilgan.

Erkaklarning tilla, kumush, javohir, yoqut, zabarjad mahsulotlaridan foydalanishiga oid hukmlar ayollar iste’molidan farqlangan¹⁸. Hanafiy mazhabi faqihlarining nazdida erkaklar kumush uzukdan foydalanishi joiz ekani aytilgan. Nabiy (s.a.v.) va sahobalar muhr bosishga ehtiyoji borligi uchun kumush uzuk taqqan. Shunga ko‘ra hanafiy mazhabida ham sulton va qozi kabi muhr yoki boshqa biror ish uchun uzuk taqishga ehtiyoji bor shaxslarga kumush uzuk taqish sunnat bo‘ladi¹⁹. Boshqa insonlar uchun kumush uzuk taqish joiz, taqmaslik esa afzal ekani aytiladi. Demak, kumush uzuk taqish erkak kishi uchun ziynat buyumlardan foydalanish borasidagi ta’qiqdan istisno qilingan. Bu haqida “Hidoya” asarida: “Kumush uzuk ziynat buyumi emas. Chunki u ziynat buyumi bo‘lganida erkaklarga ta’qiqlangan bo‘lar edi” deyilgan²⁰. Imom Abu Hanifaning nazdida qimirlab, zaiflashib qolgan tishlarni tilla bilan emas, kumush bilan qotirib, mahkamlab qo‘yish mumkin²¹. Burunni esa, tilladan ham yasatsa bo‘ladi. Imom Muhammadning nazdida esa muolaja uchun tilla va kumushdan barobar

¹⁷برهان الدين محمود بن أحمد البخاري. المحيط البرهاني في الفقه النعماني. - ج. 5. - ص. 346. علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. - ج. 6. - ص. 519.

¹⁸برهان الدين المرغيناني. الهداية في شرح بداية المبتدي. - مصر: مطبعة مصطفى البابي، 2003. - ج. 4. - ص. 82. بدر الدين العيني. البناء في شرح الهداية. - ج. 9. - ص. 282. أحمد بن محمد الصاوي. بلغة السالك لأقرب المسالك. - مصر: مكتبة ومطبعة البابي الحلبي، 1952. - ج. - ص. 25. محمد عرفة الدسوقي. حاشية الدسوقي. - مصر: دار إحياء الكتب العربية. 2010. - ج. 1. - ص. 62. يحيى بن شرف النووي. المجموع شرح المهذب. - المدينة المنورة: المكتبة السلفية، 2004. - ج. 6. - ص. 38. أبو الحسن الماوردي. الحاوي الكبير. - بيروت: دار الكتب العلمية. 2009. - ج. 3. - ص. 275. ابن قدامة. المغني. - القاهرة: دار الكتب العربي. 2008. - ج. 2. - ص. 606. أبو طيب صديق بن حسن القانوني. روضة الندية شرح درر البهية. - بيروت. دار المعرفة، 2015. - ج. 2. - ص. 217.

¹⁹أحمد بن غنيم النفراوي. الفواكه الدواني على رسالة أبي زيد القيرواني. - بيروت: دار الفكر، 2011. - ج. 2. - ص. 235. حاشية الخرشني على مختصر سيدي خليل. - بيروت: دار صادر، 2005. - ج. 1. - ص. 99. حاشية الدسوقي. - ج. 1. - ص. 63. مغني المحتاج - الشربيني - محمد الشربيني الخطيب. - بيروت دار إحياء التراث العربي، 2002. - ج. 1. - ص. 392. حاشية فليوبي وعميرة. - ج. 2. - ص. 24. علي بن سليمان المرادوي. الإنصاف في معرفة الراجح في الخلاف. - ج. 3. - ص. 142. مرعي بن يوسف الكرمي المقدسي. غاية المنتهى في الجمع بين الإقناع والمنتهى. - ج. 1. - ص. 314. منصور بن يونس البهوتي. شرح منتهى الإرادات. - بيروت: دار الفكر، 2008. - ج. 1. - ص. 404.

²⁰برهان الدين المرغيناني. الهداية في شرح بداية المبتدي. - ج. 4. - ص. 82. الموصلي. الإختيار. - ص. 82. البهوتي. كشف القناع. - ج. 2. - ص. 236. المرادوي. الإنصاف. - ج. 3. - ص. 142.

²¹فتاوى الهندية. - ج. 5. - ص. 336. بدر الدين العيني. البناء. - ج. 9. - ص. 237.

foydalanish mumkin. Imomlardan naql qilingan bu fatvolar muolaja ishi ziynat masalasidan farq qilishini ifodalaydi. Shunga ko'ra tilla va kumush mahsulotlaridan tish va burundan boshqa a'zolarining muolajasi uchun foydalanish mumkin bo'ladi. Hamda muolaja uchun ishlatilgan tilla va kumush ziynat buyumi sifatida yasalgan taqinchoqlardan farqli o'laroq kishining asliy hojatiga aylanadi va undan zakot vojib bo'lmaydi.

Ikkinchi bobning *“Maishiy hayotda ma'danlardan foydalanish hukmlari”* nomli bandidagi hukmlar erkak va ayollar uchun umumiy bo'lib, unda qimmatbaho toshlardan taqinchoqdan boshqa maqsadlarda foydalanish masalalari muhokama qilinadi. Hanafiy, molikiy, shofeiyy (yangi qarashiga ko'ra), hanbaliy va zohiriylarda tilla va kumushdan yasalgan qoshiq, chinni, piyola, choynak, obdasta kabi idishlardan yeyish, ichish, tahorat qilish joiz emas. Bu borada idishning katta kichikligi o'zaro farqlanmaydi²². Demak, bugungi kunda insonlar orasida ommalashayotgan taom, ichimlik suvlari tarkibiga tilla mahsuloti qo'shgan holda iste'mol qilishlari shariat nuqtai nazaridan joiz emas. Shuningdek, hanafiy mazhabida tilla va kumushdan yasalgan buyumlarni saqlash joiz. Boshqa mazhab faqihlari bu masalada hanafiy mazhabi faqihlarining fikriga qo'shilmagan. Javohir, yoqut, olmos kabi ma'danlardan yasalgan idishlardan foydalanish, saqlash muboh ekaniga barcha mazhablar ittifoq qilgan.

Shuningdek, hanafiy mazhabida masjid-madrasa qurilishida, Qur'on yoki boshqa mo'tabar kitoblarning bezagida tilla va kumush hamda boshqa qimmatbaho toshlarni ishlatish joiz. Shofeiyy mazhabi faqihlari esa saqlash joiz bo'lmagan narsa bilan masjid, madrasa va kitoblarni bezab ham bo'lmaydi, deydi. Hanafiy mazhabi faqihlari o'z mazhabini hadis, qiyos va aqliy dalillar bilan quvvatlaydi²³. Ammo qimmatbaho toshlarga kishilar ehtiyojmand bo'lib turgan bo'lsa, ularni masjid va kitoblarning ziynatiga ishlatgandan ko'ra ehtiyojmandlar uchun sarflash afzal ko'riladi.

Tadqiqotning uchinchi bobi **“Qimmatbaho toshlarga oid moliyaviy masalalar va uning zamonaviy ahamiyati”** deb nomlanadi.

Bobning *“Naqd pul va tijorat mollarning zakotiga aloqador muammolar va ularning yechimlari”* nomli birinchi bandida qimmatbaho toshlar zakotiga doir masalalar o'rganilgan. *“Muxtasarul Viqoya”* asarida qimmatbaho toshlar zakoti ikki qismga ajratilishi aytilgan. Unga ko'ra, tilla va kumush shariat nuqtai nazaridan ثمن [saman] – “naqd pul”, yoqut, olmos, zabarjad, feruza kabi toshlar esa عروض [uruz] – “buyum” sanaladi. Naqd pul hisoblangan tilla va kumushdan zakot vojib bo'lishi uchun kishining moli shariat tomonidan belgilangan miqdor (nisob)ga yetishi talab etiladi. Uruz (buyum) hisoblangan qimmatbaho toshlar uchun nisob belgilanmagan. Shuning uchun ularning zakoti naqd pullarning nisobiga qiyoslanadi. Shuningdek uruzlardan zakot vojib bo'lishi uchun ular tijorat moliga aylanishi shart qilingan. Naqd pullar va tijorat mollardan zakot vojib

²² علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. ج. 5. ص. 132. برهان الدين المرغيناني. الهداية في شرح بداية المبتدي. ج. 4. ص. 78. القرافي. الذخيرة. ج. 1. ص. 67. حاشية الدسوقي. ج. 1. ص. 64. الشربيني. الإقناع. ج. 1. ص. 28. النووي. روضة الطالبين. ج. 2. ص. 264. المرदाوي. الإنصاف. ج. 1. ص. 79. البهوتي. شرح منتهى الإرادات. ج. 1. ص. 24. ابن حزم. المحلى. ج. 2. ص. 223.

²³ علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. ج. 5. ص. 132.

bo'lishining o'xshash va farqli tomonlari mavjud bo'lib, ushbu jihatlar dissertatsiyada batafsil tahlil qilingan. Shuningdek, tangalardagi kumushning nisbati o'zgarishi bilan yuzaga kelgan muammolar natijasida Umar (r.a.) davrida amalga oshirilgan islohot orqali shar'iy dirham tushunchasi paydo bo'lgan.

Ma'dan, kanz va rikozdan olinadigan beshdan bir ulush hanafiy mazhabi faqihlarining nazdida zakot emas. Ammo shunday bo'lsada, manbalarda ma'dan, kanz masalalari zakot kitobi tarkibida keltiriladi. Shuningdek, ma'danlarning "dorul islom" (islom diyori) yoki "dorul kufr" (kufr diyori), shaxsiy yoki muboh yerlardan topilishiga oid masalalarga zamonaviy yechim berish zarur. Zero bu atamalar o'rta asrlardagi voqelikka asosan qo'llanilib, hozirgi kunda ularning islom ulamolari nazdidagi talqini o'zgargan. Shunga ko'ra ushbu paragrafda ma'danlar topilgan joylarga oid hukmlarni zamonaviy qarashlarga muvofiqlashtirish masalasi tahlil qilindi.

"Ma'danlarning savdosi va vaqfiga doir hukmlar" nomli ikkinchi badda qimmatbaho toshlarning "mutlaq", "muqoyaza", "salam", "nasiya", "sarf" nomli savdo turlariga oid masalalar o'rganildi. Ushbu savdo turlaridan "sarf" savdosi muhim ahamiyat kasb qilgani bois uning hukmlari batafsil tahlil qilindi. Movarounnahr fiqh manbalaridan "Badoeus-sanoe" kitobida "sarf" savdosiga bunday ta'rif berilgan: "Sarf bu biror naqd pulni o'ziga jinsdosh yoki boshqa jinsdagi naqd pul evaziga sotishdir"²⁴. Ushbu savdo bilan shug'ullanuvchilar esa "sarrof" deyiladi. Fiqhiy istilohda naqd pullar ikki: xilqiy va istilohiy qismga ajratiladi. Xilqiy pullar deganda tilla va kumush, istilohiy pullar deganda tilla va kumushdan boshqa odamlar orasida ayirboshlash vositasiga aylangan pullar tushuniladi. Xilqiy pullar istilohiy pullardan farqli o'laroq tanga shaklida emas, balki, buyum shaklida bo'lsa ham naqd pul hukmida bo'ladi. Shunday ekan, tilla buyumlarni tilla buyum yoki tilla tanga evaziga ayirboshlash ham sarf deyiladi²⁵. Qimmatbaho toshlarni ayirboshlashga oid masalalar hozirgi kundagi zamonaviy pullar savdosiga oid hukmlarni aniqlashda muhim ahamiyat kasb etadi.

Abu Hanifa (r.h.)ning nazdida muayyan narsani o'z egasining mulkida ushlab qolib, uning manfaatini sadaqa qilish vaqfdir. Abu Yusuf va Muhammadning nazdida esa muayyan narsani Alloh taoloning mulkida ushlab turish vaqfdir. Vaqfning ta'rifida kelgan muayyan narsalar ikki qismga ajratiladi. غير منقول [g'oyri manqul] – "Ko'chmas mulk" yoki منقول [manqul] – "ko'char mulk". Ko'chmas mulkni vaqf qilish barcha mazhab yetakchilarining nazdida joiz. Tilla va kumushdan yasalgan buyum, taqinchoq, qimmatbaho tosh, ma'dan kabi ko'char mulkning vaqfi borasida mazhab yetakchilarining ixtilofi mavjud. Abu Hanifa (r.h.) ko'char mulklarning vaqfi joiz emas, deganlar. Imom Muhammadning nazdida esa odamlar odamlar orasida urfga aylangan ko'char mulklarning vaqfi joiz bo'ladi²⁶. Movarounnahr faqihlari X-XIII asrlarda vaqf borasida imom Muhammadning so'zlariga asosan fatvo bergan va musulmon muftiylar bugungi kunga qadar ushbu fatvoni amaliyotda qo'llab kelgan.

²⁴ علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. - ج. 5. - ص. 215.

²⁵ علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. - ج. 5. - ص. 215. حاشية ابن عابدين. - ج. - ص. 334. ابن همام. فتح القدير. - ج. 6. - ص. 258. مغني المحتاج. - ج. 2. - ص. 25. ابن قدامة. المغني. - ج. 4. - ص. 41. شرح منتهى الإرادات. - ج. 2. - ص. 201.

²⁶ عبيد الله بن مسعود. مختصر الوفاية. - ص. 133.

Dissertatsiyaning uchinchi bobi so‘ngi bandi “*Qimmatbaho toshlar bilan bog‘liq masalalarning zamonaviy fiqhiy jihatlari va o‘ziga xos xususiyatlari*” deb nomlangan. Tadqiqot obyekti bo‘lgan manbalar X-XIII asrlarga taalluqli bo‘lib, faqihlar masalalarga o‘zlari yashab turgan zamon va makon nuqtai nazaridan yondashgan. Hozir XXI asr ekan, qimmatbaho toshlarga oid X-XIII asrlar manbalarida keltirilgan masalalar qay darajada o‘z ahamiyatini saqlab qolgani, “تغير الزمان يقتضي تغير الفتوى” (Zamonlar o‘zgarishi fatvoning o‘zgarishiga ta’sir qiladi) degan qoida asosida yana qaysi masalalar yuzasidan o‘zgarishlar sodir bo‘lganini aniqlash zarur²⁷.

XIX-XX asrlarga kelib, olimlar tomonidan Painit, Gibonit, Qizil beril, Jeremejevite, Chambbersite, Taafeyt, Musgravit, Grandidierit, Pudretteit, Serendibit, Zektzerit kabi to‘rt mingdan ortiq yangi ma’dan turlari kashf qilindi. Shuningdek qimmatbaho toshlarning zirkoniya, kubik, zirkonyum moissanit, korund, shpinel nomli sun’iy turlari kashf qilindi. Tabiiyki ushbu toshlarning shar’iy hukmlari tadqiqot ob’ekti bo‘lgan X-XIII asrlar Movarounnahr manbalarida keltirilmagan. Bu esa bugungi kun islom ulamolari zimmasiga zamonaviy tadqiqotlarda ularga nisbatan shar’iy munosabatni bildirish vazifasini yuklaydi. Buning uchun ushbu toshlardan ziynat buyumi sifatida foydalanish, zakot berish va savdo qilish kabi hukmlarni manbalarda keltirilgan tilla, kumush, yoqut, olmos, zabarjad, feruzaga oid masalalarga qiyoslash lozim bo‘ladi. Qiyos shariat dalillaridan biri bo‘lib uning ishi nas (Qur’on va hadis)da kelgan narsaning hukmini nasda hukmi kelmagan narsaga o‘tkazishdan iborat²⁸.

Germaniya, Angliya davlatlarida qilingan tadqiqotlarda ayollar uchun tilla mahsuloti foydali, erkaklar uchun zararli ekanligi aniqlangan²⁹. Bu kabi tadqiqotlar qimmatbaho toshlardan foydalanish borasidagi ko‘rsatmalar aslida insonlarning manfaati uchundir, degan qoidaning zamonaviy ilm-fan orqali tasdiqlanganini ifodalaydi. Bu qoida haqida Abul Barakot Nasafiy o‘zining “Manor” asarida: “Islom shariatida biror ishga buyurilsa, ana shu ishda yaxshilik bo‘ladi. Agar biror ishdan qaytarilsa, ana shu ishda yomonlik bo‘ladi. Zero, buyuruvchi va qaytaruvchi zot hakimdir”, deydi³⁰.

Tilla va kumush shariat va insonlar nazarida naqd pul sifatida ko‘rilgan. XIX asrga kelib ular odamlarning o‘zaro muomalalarida ayirboshlash vositasi emas, balki tovar mahsulotiga aylandi³¹. Uning natijasida tilla, kumushga bog‘liq shar’iy hukmlar borasida bir qator muammolar paydo bo‘ldi. Chunki zakot, savdo, qarz oldi-berdisi, mahr, jinoyatlar jazosi kabi juda ko‘p masalalar tilla va kumush asosiga qurilgan. Shuningdek insonlar XIX asrdan qog‘oz pullar, XX asr oxiri va XXI asr boshlarida esa elektron, yaqin yillarda kriptovalyutalardan foydalana boshladi. Shunga ko‘ra bu turdagi pul birliklarning shar’iy hukmlarini tilla-kumush

²⁷ شيخ صلاح أبي الحاج. المنهاج الوجيز. - ص. 278.

²⁸ ملا جيوان الهندي. نور الأنوار في شرح المنار. - باكستان: البشري، 2021. ج. 2. - ص. 3.

²⁹ Gholamreza Atei, Fatemeh Rezaei and Mahboubeh Khadem Abolfazl. <https://www.researchgate.net/publication/277078212> Why is Gold Forbidden for Men in Islam An original study. February 2015. License CC BY 4.0. - P. 4-7.

³⁰ ملا جيوان الهندي. نور الأنوار في شرح المنار. - ج. 1. - ص. 200.

³¹ محمد تقي العثماني. بحوث في قضايا فقهية معاصرة. - دمشق: دار القلم، 2003. ج. 1. - ص. 76.

bilan asoslab berish zarurati paydo bo'ldi. Demak ushbu paragrafda mavzuga oid o'ndan ortiq zamonaviy masalalarning yechimi borasida islom ulamolarining bildirgan fikrlari muhokama qilindi.

XULOSA

X-XIII asrlar Movarounnahr klassik fiqh manbalarida qimmatbaho toshlardan foydalanish hukmlari mavzusi bo'yicha yozilgan dissertatsiyaning ilmiy-amaliy tadqiqi va tadqiqotning maqsad va vazifalaridan kelib chiqib, quyidagi xulosalarga kelindi:

1. X-XIII asrlarga oid oltmishdan ortiq Movarounnahr fiqh manbalari mavjud bo'lib, ular uch guruhga bo'linadi: 1) متون [mutun] – “matnlar”, 2) شروح [shuruh] – “sharhlar”, 3) فتاوى [fatavo] – “fatvolar”. Mazkur davrga oid “Mabsut”, “Badoeus-sanoe”, “Hidoya”, “Fatavoi Qozixon”, “Fatavoi Sirojiya”, “Kanzud daqoiq”, “Sharhul Viqoya”, “al-Fiqh an-nofe” kabi asarlardagi zakot, karohiyat, savdo, ijara, vaqf kabi mavzular tarkibida qimmatbaho toshlarga oid masalalar tizimli tarzda, o'ziga xos metodlar asosida o'rganilgan. Mazkur asarlardagi (masalalarni tartiblashda mantiqiy bog'liqlikka rioya qilish, mavzularga o'ziga xos nom tanlash, hukmlarni dalillash, nosixni mansuxdan ajratish, umumiylikni qaydlash, dalillarning bir-biridan ustunlik tomonlarini aniqlash, mazhablararo qiyosiy tahlil, hanafiy mazhabi qarashlarini mustahkamlash, fatvo berishda urfodat, zamon va makonni e'tiborga olish, mintaqaviy muammolarga yechim berish kabi) o'zaro o'xshash va farqli uslublar keyingi davr faqihlari uchun qimmatbaho toshlarga oid hukmlarni belgilashda ilmiy-nazariy asos bo'lib xizmat qilgan.

2. “Tilbatut talaba” hamda “al-Mu'rib” asarlari fiqhiy istilohlar bo'yicha alohida e'tiborga ega. Mazkur asarlarda qimmatbaho toshlarga nisbatan “al-ahjar al-karima”, “al-ahjar as-samina”, “huliy” kabi so'zlar qo'llanilishi, “rikoz”, “ma'dan”, “kanz” atamaları ham ularga bog'liq ekani aytilgan. Javohir, olmos, yoqut, zabarjad, feruza kabi qimmatbaho toshlarga nisbatan “uruz”, tilla va kumush uchun “nuqud” atamasi ishlatilishi “Hidoya” asarida keltirilgan. “Sharhul Viqoya” asarida esa tilla va kumush tangalar turli o'lchamda bo'lgani bois faqihlar “shar'iy dinor” va shar'iy dirham” atamasidan foydalangani hamda ularning sifat darajasiga qarab “tibr”, “nuqra”, “sabiyya”, “jiyod”, “zayuf” deyilishi aytilgan. “G'atrifiy”, “idoliy”, “farg'oniy”, “buxoriy”, “sattuqo”, “nabahraja” kabi mahalliy tangalar izohi “Muhit” asarida batafsil keltirilgan. Qimmatbaho toshlarning zakoti, nisobi, vaqfi, savdosi, ijarasi, oriyasi kabi atamalar izohi “Kanzud daqoiq” asarida aniq, qisqa va tushunarli tarzda berilgan. To'rt mazhab faqihlarining atamalar izohi borasida o'xshash va farqli jihatlarini o'rganish fiqhiy hukmlarni tushungan holda amaliyotga tatbiq qilish uchun poydevor vazifasini o'taydi.

3. Zamonaviy tadqiqotlarda qimmatbaho toshlarga oid masalalarni to'rt mazhab asosida o'rganib, faqihlarning qarashlaridan birini shaxsiy fikr asosida tarjih qilish holatlari kuzatilmoqda. Mazkur holat klassik fiqh manbalaridagi ترجيح [tarjih] uslubiga mos kelmaydi. Shundan kelib chiqib, barcha masalalar qatori qimmatbaho toshlarga doir hukmlarni klassik davr hanafiy mazhabi manbalaridagi uslub asosida o'rganish ahamiyatli sanaladi. Qolaversa, “Zamon va makonning

o'zgarishi fiqhiy humning o'zgarishiga ta'sir qiladi" degan qoidaga asosan qimmatbaho toshlardan foydalanishga oid zakot, savdo, vaqf, ijara, shirkat kabi ibodat va muomala masalalarining zamonaviy, mintaqaga xos muammolar yechimini Movarounnahr manbalari asosida o'rganish zarur. Bu borada hanafiy mazhabi asosida amalga oshirilgan zamonaviy tadqiqotlardan foydalanish muhim ahamiyat kasb etadi.

4. Ma'danlarni ziynat buyumi sifatida foydalanish borasidagi ko'rsatmalar orqali musulmon kishilarning kiyinish madaniyati belgilab beriladi. Bu borada "Badoeus sanoe", "Hidoya", "Muhit", "Fatavoi Qozixon" kabi "furul fiqh" manbalari e'tiborli bo'lib, ularda ayollarning ma'danlardan qachon, qayerda, qancha miqdorda foydalanishga oid hukmlar, dalillar va sabablar keltirilgan. Qozixonning "Fatavo" asaridagi ayollarning tilla, kumush, javohir, zumrad, yoqut, marjon kabi qimmatbaho toshlardan ziynat buyumi sifatida foydalanishi joiz, ammo temir, mis, qo'rg'oshin kabi metallar iste'moli esa aksincha, nojoiz ekani aytilgan. G'ayri dinlarning diniy shiorlari, hayvonlar tasviri tushirilgan yoki erkaklarga xos bo'lgan taqinchoqlardan foydalanishi mumkin emas. Ziynat buyumlaridan foydalanish hukmlarini belgilashda ayol kishining uyda, ko'chada, jamoat joylarida, mahram yoki nomahram kishilar huzurida ekani, xursandchilik (bayram, to'y-hasham) mahzunlik (aza, idda) kunlari e'tiborga olinishi "Hidoya" asarida keltirilgan. Ruxsat berilgan buyumlardan foydalanishda muayyan chegara belgilangan bo'lmasada isrof, dabdaba, riyoga olib boruvchi ishlardan saqlanish lozim ekani ta'kidlangan.

5. Erkaklarning qimmatbaho toshlardan ziynat buyumi sifatida foydalanishlari borasida ta'qiqlar va cheklovlar ayollarga nisbatan ko'proq. Movarounnahr fiqh manbalari, jumladan, "Kanzud daqiq" asarida erkaklarning tilla, kumush, yoqut, zabarjad, feruza kabi qimmatbaho toshlardan ziynat buyumi sifatida foydalanishi mumkin emasligi aytilgan. "Hidoya" asarida uzuk, kamar, qilichning tutqichi kabi buyumlarining kumushdan bo'lishiga ruxsat berilgani hamda bu ruxsatlar ziynatlanish uchun emas, balki, zarurat, ehtiyoj uchun ekani qo'shimcha qilingan. "Fatavoi Qozixon" asarida davolanish ziynatlanish emasligidan kelib chiqib, erkak kishi tish, burun, qo'l, oyoq kabi a'zolarining muolajasida tilla va kumushdan foydalanishi mumkinligi to'g'risida fatvo berilgan. Hanafiy mazhabi asoslariga ko'ra, balog'atga yetmagan o'g'il bolalar mukallaf bo'lmasa-da, ularni yoshligidan bu kabi hukmlarga amal qilishga odatlantirish muhim. Erkak va ayol kishiga oid huquq va majburiyatlarning farqli bo'lishi faqat ziynat buyumlaridan foydalanishda emas, balki, namoz, ro'za, zakot, haj kabi boshqa masalalarda ham ko'rinadi.

6. Hanafiy mazhabi faqihlarining nazdida maishiy hayotda ma'danlardan foydalanish hukmlari erkak va ayollar uchun umumiy. Unga ko'ra, tilla va kumushdan yasalgan idishlarni ishlatish joiz emas, ammo ularni saqlash mumkin. Javohir, yoqut, zumrad kabi qimmatbaho toshlardan tayyorlangan idishlardan foydalanish va ularni saqlash joiz. Ammo bu borada isrof, kibr, riyo kabi illatlardan saqlanish shart qilinadi. Mus'haf va masjidlarni tilla va kumush bilan ziynatlash joiz. Boshqa mo'tabar kitoblar va binolarni bezash hukmi ham shunga qiyoslanadi. Masjid va mus'haflarni qimmatbaho toshlar bilan bezash mustahab

yoki aksincha makruh deb hukm qilingan bir vaqtda Movarounnahr faqihlarining muboh degan fatvoni chiqarishlari ularning mo'tadil, o'rta yo'lni tutganini ifodalaydi. Ushbu masalalar yuzasidan mazhabda amal qilingan, ta'vil qilingan yoki hukmi bekor bo'lgan oyat va hadislarini aniqlashda, shuningdek, mintaqada foydalanish urf bo'lgan kiyim, ziynat, ro'zg'or buyumlarining hukmlarini o'rganishda Movarounnahrning "Mabsut", "Muhit", "Fatavoi Qozixon" kabi asarlari e'tiborli.

7. Zakot vojib bo'luvchi mollar chorva hayvonlari, naqd pul va tijorat mollari kabi uch guruhga tasniflanadi. Tilla va kumush naqd pul hisoblansa, yoqut, olmos, feruza, marvarid kabi qimmatbaho toshlar tijorat moli sanaladi. 20 misqol (85 gr.) tilla, 200 dirham (595 gr.) kumushning nisobi bo'lib, ushbu miqdorga bo'lgan shaxs uning qirqdan bir (2.5%) qismini zakot sifatida faqirlarga beradi. X-XIII asrlar mobaynida, Movarounnahr mintaqasida sof tilla yoki kumush tangalar insonlar qo'lida kam, g'ish, chaqa tangalar ko'p bo'lgani bois faqihlar urfiy pullar nisobini hazrati Umar (r.a.) davrida joriy qilingan shar'iy dinor va dirham asosida belgilab berganlar. Tijorat moli bo'lgan qimmatbaho toshlarnig zakoti uchun ham muayyan nisob yo'qligi sabab mintaqqa faqihlari ularni tilla yoki kumush qiymati asosida hisoblaganlar. Ma'dan, rikoz va kanzlardan olinadigan xumus (beshdan bir ulush) hanafiy faqihlarining nazdida zakot sanalmasa-da, ularga doir hukmlar "Tuhfatul fuqaho", "Mabsut", "Hidoya", "Muhit", "Kanzu daqiq", "Sharhul Viqoya" kabi asarlarning zakot kitobida keltirilgan. Musulmon diyorlaridagi, g'ayri dinlarning o'lkalarida, arab, ajam, jumladan Movarounnahr mintaqasidagi ma'danlarning hukmlaridagi o'xshash va farqli jihatlarini belgilashda Burhoniddin Mahmud Buxoriyning "Muhit" asari e'tiborli sanaladi.

8. Ma'danlarning savdosiga oid hukmlar savdo turlariga asosan belgilanadi. "Muhit" asarida savdo bitimi tovarni tovarga (muqoyaza), pulni pulga (sarf), tovarni pulga (bay), pulni tovarga (salam) ayirboshlash kabi turlarga tasniflanadi. Qimmatbaho toshlar savdosida "ribo" (sudxo'rlik)dan saqlanishda "sarf" savdosining hukmlarini o'rganish zarur. X-XIII asrlar mobaynida Movarounnahrda haqiqiy tilla va kumush tanga odamlar orasidagi mahalliy muomalada deyarli yo'qolib, uning o'rnini misdan bo'lgan chaqa tangalar egallagan edi. Agar Imom Abu Hanifa va Abu Yusufning qarashlariga ko'ra chaqa tangalarda ribo yo'q deya fatvo berilsa, odamlar orasida sudxo'rlik avj olgan bo'lar edi. Shu sababdan Bag'dod hanafiy faqihlari shayxaynning qarashiga ko'ra chaqa tangalar sarfida ribo yo'q degan bo'lsa, Movarounnahr faqihlari mintaqadagi vaziyatdan kelib chiqib, Imom Muhammadning so'ziga asosan chaqa tangalar savdosida ribo bor ekanini aytadi. "Muhit" asari muallifi mintaqada qimmatbaho toshlarning vaqfi joiz deya imom Muhammadning qarashlariga fatvo berilishiga ham insonlarning urf-odati sabab bo'lganini aytadi. Zamonaviy vaqf fondlari ushbu fatvodan foydalanishlari hozir ham uning ahamiyati yo'qolmaganini ifodalaydi.

9. XIII asrdan XXI asrgacha bo'lgan muddat mobaynida aniqlangan to'rt mingdan ortiq ma'dan turlaridan shaxsiy va ijtimoiy hayotda, tibbiyotda, sanoatda foydalanish hukmlarini belgilashda Movarounnahr klassik fiqh manbalarida keltirilgan qimmatbaho toshlarga oid hukmlar shar'iy asos bo'ladi. Shar'iy dinor va dirhamning zamonaviy vaznini aniqlash, o'n to'rt asr mobaynida tilla va

kumushning qiymati bo'yicha ro'y bergan inflyatsiyaning tijorat mollari, qog'oz pullarning zakotini belgilashga ta'sirini o'rganish, tilla va kumushning xalqaro miqyosda naqd pul iste'molidan chiqarilishi natijasida paydo bo'lgan qog'oz pullar, elektron pullar, kriptovalyutalar muomalasiga munosabat bildirish zamonaviy masalalarga yechim berish muhim. Pul sinishi, almashishi, qadrsizlanishiga oid hukmlar tilla va kumushning hukmiga uzviy bog'liq. X-XIII asrlar mobaynida amalga oshirilgan savdo amaliyotlariga nisbatan XXI asr jahon bozoridagi muomalalarning murakkabligini hisobga olib, qimmatbaho toshlarning savdosiga yangicha yechim berish zarur. Bu kabi o'ndan ortiq zamonaviy masalalarning o'ziga xos yechimida "Mabsut", "Badoeus sanoe", "Hidoya", "Muhit", "Fatavoi Qozixon" kabi Movoraounnahr fiqh manbalaridan foydalanish maqsadga muvofiq.

Tadqiqot jarayonida olingan natija va xulosalardan kelib chiqib quyidagi taklif va tavsiyalar ilgari surildi:

1. "Qimmatbaho toshlardan ziynat buyumi yasash va undan foydalanishga oid fatvolar", "Qimmatbaho toshlar savdosi haqidagi fatvolar", "Qimmatbaho toshlar zakoti haqida fatvolar" nomli ilmiy-ommabop risolalar chop etish;

2. Diniy ta'lim muassasalarida o'qitiladigan "Zamonaviy masalalarning fiqhiy asoslari" fani o'quv dasturiga "Qimmatbaho toshlarning zakoti, savdosiga doir zamonaviy masalalarning fiqhiy asosi" nomli, "Usulul fiqh" va "Fiqhiy qoidalar" faniga "Qimmatbaho toshlarning fiqhiy hukmlaridan ajralib chiqqan usuliy va fiqhiy qoidalar" nomli mavzularni kiritish;

3. XIV-XIX asrlar Movarounnahr fiqh manbalarida keltirilgan qimmatbaho toshlarga oid masalalarni alohida tadqiqot obyekti sifatida o'rganish maqsadga muvofiq.

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INTERNATIONAL ISLAMIC ACADEMY OF UZBEKISTAN

TUKHTASINOV RUZIMUKHAMMAD NURMAKHAMAD O‘G‘LI

**RULINGS ON THE USE OF PRECIOUS STONES IN THE CLASSICAL SOURCES OF
FIQH OF MOVAROUNNAHR IN 10-13TH CENTURIES**

24.00.01 – History and source study of Islam

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

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INTRODUCTION (Doctor of Philosophy (PhD) dissertation annotation)

Relevance and necessity of the topic. It is known from the history of the world that minerals, precious stones, including gold, silver, rubies, diamonds, pearls, and emeralds are one of the resources that are of great interest to people. They are of great importance in establishing mutual relations, establishing internal and external economic relations of states, and determining people's prosperity. They are also considered as assistant resource in the development of the energetics, chemistry, construction, jewelry, and medical industries. Based on this, Islamic scholars and faqihs did not ignore the Shariah attitude towards precious stones. From the beginning of Islam (7th century) to the present 21st century, Muslims have widely used mines for worship and financial transactions based on the fatwas issued by faqihs. Taking into account those people's customs, traditions, and lifestyles are changable, it is considered an urgent task for scientists of every time and region to theoretically substantiate issues related to precious stones orally and in writing.

The fact that scientific work is being carried out in modern international Islamic universities and research centers in the world on the rulings on the use of minerals and precious stones means that the scientific importance of this direction is still high today. In these studies, extracting of precious stones from mines (الركاز), owning them (التملك), storing them (الإدخار), disposal (التصرف), selling and buying (البيع والشراء), endowment (الوقف), their usage in medicine (التداوي). the Shariah point of view of affairs is being studied. Based on this, it is important to study the specific aspects of rulings on minerals based on the sources of Hanafi school of fiqh, including Movarounnahr, the solutions given by faqihs to regional problems, and the similar and different aspects of local fatwas in finding solutions to modern problems.

The reforms implemented in the religious and educational sphere in New Uzbekistan create ample opportunities for studying the scientific and spiritual heritage of Hanafi fiqh and religious scholars and for communicating it to the public. As a result of this, scholars have published works such as Burhoniddin Marginani's "الهداية" [Hidaya] – "The straight path", Ubaydullah ibn Mas'ud's "مختصر الوقاية" [Mukhtasarul Wiqaya] – "Short story", Alauddin Kosani's "بدائع الصنائع في ترتيب الشرائع" [Badaoe'us-sanoe fi tartibish sharoe] – "Beautiful arts of regulating Sharia rulings" in Uzbek language. Annotated translation, interpretation, publication of books and pamphlets on various topics is a solution to modern, regional problems of precious stones. Therefore, conducting research based on the classic works of Movarounnahr faqihs with a deep scientific analysis of rulings on the consumption of precious stones serves as a consistent continuation of research in the field.

This dissertation work serves at some rates to the tasks that are determined in the decree of the President of the Republic of Uzbekistan No. PF-5416 of April 16, 2018 "On measures to fundamentally improve the activities of the religious and educational sphere", No. PF-60 of January 28, 2022 "Development of New

Uzbekistan for 2022-2026 on the strategy", PQ-4068 dated December 19, 2018 "Material This dissertation work serves to a certain extent in the implementation of the tasks defined in the decisions of", PQ-126 dated February 10, 2022 "On additional activities in the improvement of the preservation and research system of ancient written sources"

Compliance of the research with the priorities of the development of science and technology of the Republic. The dissertation was carried out in accordance with the priority direction of the development of science and technology of the republic I. "Formation of the system of innovative ideas in the social, legal, economic, cultural, spiritual and educational development of the information society and the democratic state and the ways of their implementation".

The level of study of the problem. The topic of research can be divided into three stages from the historical point of view on the works carried out: classic and modern studies of the 10th-13th, 14th-20th and 21st centuries.

During the 10th-13th centuries, Alauddin Samarkandi (d. 539/1145), Nasuriddin Samarkandi (d. 556/1161), Sirojiddin Ali ibn Osman Oshi (d. 575/1179), Alauddin Kosani (d. 587/1191), Fakhriddin Qazikhan (592/1196), Burhoniddin Marginani (593/1197), Burhoniddin Mahmud ibn Ahmad Bukhari¹ (616/1219), developed the science of fiqh brought to an advanced level. Therefore, their works written in text, commentary, and margin genres are considered the basis for the systematic study of the research topic and mutual comparison of sectarian and intersectarian views.

Husomiddin Sighnaqi (d. 710/1310), Akmaliddin Bobarti (d. 714/1314), Ubaidullah ibn Mas'ud (d. 747/1346), Qivamuddin Koki (d. 749/1348), Qivamuddin Itkani (d. 758/1357), Jamaluddin Zailai (d. 762/1360), Badruddin Aini (d. 855/1451), Kamal ibn Humam (d. 861/1457), Zainiddin ibn Nujaym Misri (d. 970/1563), Mulla Ali Qari² (d. 1014/1606), and faqihs such as 10th-13th century Movarounnahr fiqh sources served to further resolve issues related to precious stones by writing comments, margins, and explanations. Among the scientists who lived and worked in the 19th century are Ibn Obidin (d. 1252/1836), Abdul Ghani Maidani (d. 1298/1881), Abdul Hai Laknavi³ (d. 1304/1886). In their

¹ علاء الدين السمرقندي. تحفة الفقهاء. - بيروت: دار الكتب العلمية، 1994. - ج. 2. - 375 ص. ناصر الدين السمرقندي. الفقه النافع. - الرياض: أيبكان، 2000. - ج. 2. - 440 ص. سراج الدين الحنفي. فتاوى السراجية. - دار العلوم زكريا، 2011. - 696 ص. علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. - بيروت: دار الكتب العلمية، 2003. - ج. 5. - 576 ص. فخر الدين قاضي خان. فتاوى قاضي خان. - بيروت: دار الكتب العلمية، 2009. - ج. 2. - 639 ص. برهان الدين المرغيناني. متن بداية المبتدي في فقه الإمام أبي حنيفة. - القاهرة: مطبعة محمد علي صبح. - 267 ص. برهان الدين محمود بن أحمد البخاري. المحيط البرهاني في الفقه النعماني. - بيروت: دار الكتب العلمية، 2004. - ج. 2. - 495 ص. 1
² حسين بن علي السغناقي. النهاية في شرح الهداية. - مكة: جامعة أم القرى، 1436. - ج. 1. - 484 ص. أكمل الدين البارتني. العناية شرح الهداية. - مصر: شركة مكتبة ومطبعة مصطفى البابي الحلبي وأولاده، 1970. - ج. 1. - 680 ص. عبيد الله بن مسعود. مختصر الوقاية. - طشقند: ماوراء النهر، 1991. - 190 ص. عبيد الله بن مسعود. شرح الوقاية. - أمان: الوراق، 2006. - ج. 1. - 118 ص. قوام الدين الكاكي. معراج الدراية في شرح الهداية. - بيروت: دار الكتب العلمية، 2023. - ج. 1. - 1056 ص. قوام الدين الإيتقاني. غاية البيان ونادرة الزمان في آخر الأوان. - تركيا: ملت كزل، وقف فيض الله أفندي. مخطوطة برقم 871. - 530 ص. جمال الدين الزيلعي. نصب الراية لأحاديث الهداية. - جدة: دار القبلة والثقافة الإسلامية، 2011. - ج. - 2342 ص. بدر الدين العيني. البناية شرح الهداية. - بيروت: دار الكتب العلمية، 2000. - ج. 7. - 540 ص. كمال الدين بن الهمام. فتح القدير على الهداية. - بيروت: دار الكتب العلمية، 2003. - ج. 1. - 650 ص. ابن نجيم المصري. البحر الرائق شرح كنز الدقائق. - بيروت: دار الكتب العلمية، 1997. - ج. 1. - 671 ص. علي بن سلطان محمد القاري. فتح باب العناية بشرح «النقاية». - بيروت: دار الأرقم بن أبي الأرقم، 1997. - ج. 1. - 752 ص.

³ ابن عابدين. حاشية رد المحتار على الدر المختار شرح تنوير الأبصار. - مصر: شركة مكتبة ومطبعة مصطفى البابي الحلبي وأولاده، 1966. - ج. 2. - 628 ص. عبد الغني الغنيمي الدمشقي الميداني. اللباب في شرح الكتاب. - بيروت: المكتبة العلمية، 2014. - ج. 1. - 560 ص. عبد الحى

works, the issues related to the use of precious stones were widely studied, and based on classical sources, they found solutions to the problems that arose during his time.

Modern studies on the subject by Eastern and Western researchers can be divided into the following categories by language:

In Arabic, scientists such as Wahba az-Zuhayli (d. 1435/2015), Muhammad Taqi Usmani, Yusuf Qarzavi, Said Bektash, Dr. Salih Sharif, Dr. Salah Abul Haj, Abir bint Ali Madifar, Adil Muhammad Amin Taiyib Rozi⁴, conducted research on important topics such as trade of precious stones, rulings on adornment, and the role of mineral zakat in economic development. In English, scholars such as Ibrahim Ramjaun, Md. Zafar Alam Bhuiyan, Gholamreza Atei, Fatemeh Rezaei, Mahboubeh Khadem Abolfazl, Nouredine Krichene, Hassan Ghassan⁵, in Russian Nasirov A., Ignatova T., Dobayev A., Nesturov S., Nuriyev B.⁶ have studied the research topic from different perspectives. Turkish researchers such as Yusuf Erdem Gezgin, Haçi Çiçek, Mehmet Çetin, Hasan Koçabas⁷ studied the Islamic point of view of making jewelry from precious stones and using it in medicine.

A number of Uzbek scholars, such as R. Zahid, A. Dehqan, Maqsudhoja ibn Mansurhoja, Sheikh Abdulaziz Mansur, Sheikh Muhammad Sadiq Muhammad Yusuf, A. Saidov, A. Qambarov, I. Bekmirzaev, R. Abdullaev⁸, on the subject of

اللكنوي. عمدة الرعاية على شرح الوفاية. – بيروت: دار الكتب العلمية، 2000. ج. 1. – 574 ص.
⁴ وهبة الزحيلي. فقه الإسلام وأدلته. – دمشق: دار الفكر، 1985. ج. – 547 ص. محمد تقي العثماني. بحوث في قضايا فقهية معاصرة. – دمشق: دار القلم، 2003. ج. 1. – 454 ص. فقه البيوع. – كراتشي: معارف القرآن، 2015. ج. 1. – 625 ص. يوسف القرضاوي. فقه الزكاة. – بيروت: مؤسسة الرسالة، 2004. ج. 1-2. – 1228 ص. سائد بكداش. تحقيق اللباب في شرح الكتاب. – بيروت: دار البشائر الإسلامية ودار السراج، 2014. – 3196 ص. المصنف غير محدد. المشرف: دكتور صالح شريف. أحكام الحلبي في الإسلام. رسالة ماجستير. أردن: الجامعة الإسلامية، 2000. – 164 ص. عبير بنت علي مديفر. المشرف: دكتور عبد الله بن موسى عمار عظيم شكري. أحكام الزينة. رسالة ماجستير. – الرياض: جامعة الإمام محمد بن سعود الإسلامية، 2002. – 1154 ص. ختام العارف عماوي. المشرف: دكتور ناصر الدين الشاعر. دور الزكاة في التنمية الاقتصادية. رسالة ماجستير. – فلسطين: جامعة النجاح، 2010. – 213 ص. عادل محمد أمين الطيب روزي. المشرف الفقهي: د. محمد حلمي السيد عيسى. المشرف الاقتصادي: د. محمد أمين اللبابيدي. أحكام الصرف في الإسلام. – الرياض: أم القرى، 1996. – 388 ص.

⁵ Ibrahim Ramjaun. Islam and Luxury Consumption Article. Université Paris Sorbonne Abu Dhabi. See discussions, stats, and author profiles for this publication at: <https://www.researchgate.net/publication/324828495> April 2018. Md Zafar Alam Bhuiyan. Islamic Fashion in South-East Asia: A Descriptive Research on web based Preprint. Shanto Mariam University of Creative Technology. See discussions, stats, and author profiles for this publication at: <https://www.researchgate.net/publication/327136868>. August 2018 DOI: 10.13140/RG.2.2.19161.98407. Gholamreza Atei, Fatemeh Rezaei and Mahboubeh Khadem Abolfazl. <https://www.researchgate.net/publication/277078212> Why is Gold Forbidden for Men in Islam An original study. February 2015. License CC BY 4.0. Nouredine Krichene, Hassan Belkacem Ghassan. “The Preeminence of Gold and Silver as Shariah Money” (Oltin va kumushning shariat puli sifatida ustunligi). https://mp.ra.ub.uni-muenchen.de/95445/8/MPRA_paper_95445.pdf. Umm Al-Qura University, IMF. 2017.

⁶ Насиров А. Закят (очистительная подать) как система социального обеспечения в исламской экономике. – Казан: Молодой учёный, 2011. ISSN 2072-0297. № 9 (32). – С. 99-104. Игнатова Т., Добаев А. Система «хавала» в исламской экономике. – Москва: «Россия и Мусульманский мир», 2017. – № 2. – С. 39-54. Нестуров С. Закят как способ преодоления бедности в мусульманском обществе. – Санкт-Петербург: Вопросы теологии, 2022. <https://doi.org/10.21638/spbu28.2022.204>. – Том. 4. – № 2. – С. 233–240. Нуриев Б. Закят в классическом мусульманском праве. – Кострома: Вестник КГУ им. Некрасова Н., 2015. – № 3. – С. 178-182.

⁷ Yusuf Erdem Gezgin. Fikhî açıdan altın mübadele işlemleri. – Konya: Necmettin Erbakan üniversitesi sosyal bilimler enstitüsü temel islam bilimleri Anabilim dali islam hukuku bilim dali, 2019. – 314 s. Hacı Çiçek. Es-suyûti'nin Makâmât'ında konuşan değerli taşlar: el-makâmatu'l-yâkûtiyye örneği. – Adiyaman: Adiyaman Üniversitesi İslami İlimler Fakültesi İslami İlimler Araştırmaları Dergisi 1 (2017/2), 21-42. Mehmet Çetin. İslam'da Kuyumculuk. – İstanbul: “Hayat yayınları”, 2014. – 448 s. <https://www.kitapyurdu.com/kitap/islamda-kuyumculuk/454010.html>. Hasan Koçabas. Şifali taşlar. – İstanbul: “Çınaraltı Yayınları”, 2017. <https://www.amazon.com/Sifali-Taslar-Hasan-Kocabas/dp/6055563908>. – 496 s.

⁸ Ubaydulloh ibn Mas'ud. (Nashrga tayyorlovchilar: R.Zohid, A.Dehqon). Muxtasar. – Toshkent: Cho'lpon, 1994. –

research, have written about the sources of Movarounnahr fiqh in Uzbek. Translated parts related to precious stones were commented on published brochures, books, training manuals, and scientific articles on the subject. However, in the works carried out in Uzbek, the research topic was not comprehensively studied as a separate object.

The connection of the study with the research plans of the higher educational institution where the dissertation was completed. The dissertation was carried out at the International Islamic Academy of Uzbekistan within the framework of the scientific project FZ-202002146 for 2020-2022 - "Creating a multimedia program and a mobile application that includes the educational and educational foundations of the fight against destructive ideas based on the works of Central Asian scientists".

The purpose of the study. To reveal the significance of 10th-13th century Movarounnahr sources of fiqh of rulings of using precious stones in solving the socio-economic issues.

Tasks of the research:

Determining the methodological basis of issues related to precious stones in Movarounnahr fiqh sources of X-XIII centuries;

analyze relationships and terms to the concept of precious stones;

to identify the modern research carried out on issues related to precious stones;

to determine rulings on women's use of jewelry in text, commentary, and fatwa genre sources;

analysis of men's mineral consumption issues;

reveal the rulings on the use of minerals in household life;

justifying issues related to zakat of cash and commercial goods;

determine rulings on trade and endowment of minerals;

is to show the modern jurisprudential aspects and specific features of the use of precious stones.

The object of the dissertation is the sources of Movarounnahr fiqh of X-XIII centuries

The subject of research. Consists of rulings and fatwas related to precious stones in 10th-13th century Movarounnahr

Research methods. Research methods such as complex approach, dialectical, systematic, problem-targeted, analysis, synthesis and comparative analysis, as well as the principles of historicity and logic are used in the dissertation.

The scientific novelty of the research consists of the followings:

450 b. Maqsudxo'ja ibn Mansurxo'ja. Majmaul maqsud. – Toshkent: Sharq, 2015. – 608 b. Burhoniddin Marg'inoniy. (Tarjimon: A.Saidov va boshqalar). – Toshkent: Adolat, 2000. – 500 b. Burhoniddin Marg'inoniy. (Tarjimon: A.Qambarov, I Bekmirzayev). Hidoya. – Toshkent: Hilol-Nashr, 2022. – J. 1. – 894 b. Shayx Muhammad Sodiq Muhammad Yusuf. Kifoya. – Toshkent: Hilol-Nashr, 2014. – J. 2. – 584 b. Mo'minning najoti. Mufassal zakot kitobi. – Toshkent: Hilol-Nashr, 2018. – 200 b. Hadis va hayot – Savdo, ziroat va vaqf. – Toshkent: Hilol-Nashr, 2014. – J. 11. – 304 b. Abdullayev R. Islom iqtisodiyotida savdo va tadbirkorlik. – Toshkent: "Lesson press", 2022. – 232 b.

it is based on the the solutions to the problems related to zakat . It was the introduction of the practice of determining the amount of zakat not according to the number of coins, but according to the weight of the silver contained in them because in the 10th-13th centuries, the ratio of silver in Movarounnahr coins decreased from the sharia dirham (الدرهم الشرعي), arose in the region as a result of the

in Burhaniddin Mahmud ibn Ahmad Bukhari's work "Muhit" it is proven that it served as the basis for the Sharia solution; deals with the introduction of dinars (الدينار) and dirhams (الدرهم) into circulation: the determination of conditions such as their a measure for goods and services, produced by a public authority, and known to the public are the conditions for the circulation of modern paper and electronic money.

in the works "Muhit" by Burhaniddin Mahmud ibn Ahmad Bukhari and "Fatawa" by Fakhriddin Qazi Khan, there are types of coins named "ghatrifi", "bukhari", "sattuqo", "nabahraja", "idoli", "farghani", "fulus" in the lands of Movarounnahr. and since it was not mentioned in the hadith, it was scientifically justified that the rule that their zakat should be calculated based on the ratio of gold or silver to their value rather than their weight;

The fact that the faqihs of Movarounnahr put into practice the fatwas of one of the leaders of the sect - Imam Muhammad about the permissibility of endowment of gold, silver and other precious stones, was proved by of the work "Fatavo Qazikhan" with the theme of وقف المنقول [waqful manqul] – "endowment of movable property", and its serving as sharia basis for modern endowment funds was revealed .

The practical result of the study. The حيرة الفقهاء [Hayrat al-fuqaha] - "Fatwas that amazed the faqihs" of Husomiddin Sodrush Shahid, one of the faqihs of Movarounnahr of the 10th-13th centuries, was published by the Egyptian researcher Sayyid Yusuf Ahmad in 2009 and is kept in the Asad Efandi section of the Sulaymaniyah Library in Istanbul under inventory number 96. The manuscript has been comparatively analyzed, the reasons for the existing differences and their impact on the content have been shown.

A total of 60 works on Movarounnahr fiqh of the 10th-13th centuries were identified, and 34 of them are kept in the manuscript fund of the Institute of Oriental Studies named after Abu Rayhan Beruni of the Academy of Sciences of the Republic of Uzbekistan.

In the works "Badoe'us-sanoe", "Hidaya", "Muhit", "Fatavoi Qazikhan" It was found that gold, silver, diamonds and other precious stones are used as jewelry such as rings, earrings, necklaces, their storage, teeth, nose, hands and 34 local fatwas on the use of gold or silver for the treatment of limbs, 105 on their zakat, 84 on their sale, rent, endowment and other transactions were in use.

On the basis of Burhoniddin Marginani's work "Hidaya", 144 methods and rules of fiqh were extracted from issues related to zakat, trade, ownership, disposal of precious stones, and it was proved that they provided practical help in finding

solutions to issues that were not clearly stated in the sources, and in identifying similar issues.

Reliability of research results explained by "Bidayatul Mubtadi" (Guide for Beginners) on Movarounnahr fiqh of the 10th-13th centuries in the manuscript fund of the Institute of Oriental Studies named after Abu Rayhan Beruni of the Academy of Sciences of the Republic of Uzbekistan No. 3895, الهداية "Hidaya" (The Straight Path) No. 11302-I, II, No. 3161 of the work المحيط البرهاني "Muhit" (Encompassing), No. 11026 of the work بدائع الصنائع في ترتيب الشرائع "Badoe'us-sanoe fi tartibish sharoe" (Beautiful arts in the order of Shariah issues), No. 11703 of the work "مختصر الوقاية" Mukhtasarul Wiqaya (Abbreviation of the Wiqaya), "al-Fiqh an-nofe" (Useful Fiqh) manuscript copies stored under inventory numbers No. 4704 and No. 3032 and their modern editions were based on evidence, modern comparative-historical methods are used, and a number of scientific research methods developed in Eastern and Western schools of Islamic studies were used, and the research results were confirmed by authorized organizations.

Scientific and practical significance of research results. The scientific significance of the research results is determined by the fact that it serves as a basis for future scientific research and research in the field from the scientific-theoretical conclusions, suggestions and comments regarding the socio-economic significance of the rulings on precious stones in the 10th-13th century Movarounnahr fiqh sources.

The practical significance of the research is based on the socio-economic, scientific-educational ideas about rulings of precious stones in the sources of fiqh of X-XIII centuries Movarounnahr, textbooks, educational manuals, scientific and popular pamphlets, religious educational institutions on the subjects of "Islamic history and source studies", "Islamic law". It is determined by the possibility of use in the lectures given on special courses intended for specialist personnel, in the preparation of educational and methodological programs.

Implementation of research results. Based on the scientific conclusions and proposals developed as a result of the research conducted on the subject of rulings on the use of precious stones in the classic sources of fiqh Movarounnahr of the 10th-13th centuries:

scientific research based on the fact that in the 10th-13th centuries, the amount of silver in Mowarounnahr coins decreased from the Islamic dirham (الدرهم الشرعي) and served as a solution to the problems related to zakat that arose in the region as a result of the introduction of the practice of determining the amount of zakat according to the weight of the silver in the coins, not the number of coins. Conclusions were included in the content of the scientific annotated translation of the book "Hayratul Fuqaha" (Fatwas that surprised the faqihs) published on the order of the Committee on Religious Affairs of the Republic of Uzbekistan (No. 02-02.864 of the Committee on Religious Affairs of the Republic of Uzbekistan dated March 19, 2024 reference number). As a result, the information about how

the faqihs of Movarounnahr gave Shariah solutions to regional problems in history served to reach the scientific community;

Burhaniddin Mahmud ibn Ahmad Bukhari's work "Muhit" dealt with the introduction of dinars (الدينار) and dirhams (الدرهم) into circulation: the determination of conditions such as their being used as a measure for goods and services, being produced by a public authority, and being known to the public are the conditions for the circulation of modern paper and electronic money. From the relevant conclusions, which were proven to serve as the basis for the Sharia solution, were absorbed into the content of the book "The Commentary of Sunani Termizi" prepared by the Imam Termizi International Scientific Reserch Center (No. 01-07/251 of December 20, 2023 of the Imam Termizi International Scientific Research Center under the Muslim board of Uzbekistan of the Republic of Uzbekistan reference). As a result, the study of fatwas issued by faqihs of X-XIII centuries Movarounnahr served as a solution to today's modern issues;

In the works "Muhit" by Burhaniddin Mahmud ibn Ahmad Bukhari and "Fatawa" by Fakhriddin Qazi Khan, there are types of coins named "ghatrifi", "bukhari", "sattuqo", "nabahraja", "idoli", "farghani", "fulus" in the lands of Movarounnahr and since it is not mentioned in the hadith, the scientific conclusions that the rule that their zakat should be calculated based on the ratio of gold or silver, and not on their weight. It was based on scientific conclusions in the study guide "Usulul Fiqh" published at the Mir Arab Higher Madrasah under the authority of the Office of Muslims of Uzbekistan (Muslim board of Uzbekistan 2023 Reference No. 4920 dated November 20). As a result, students of religious educational institutions under the jurisdiction of the Office of Muslims of Uzbekistan served to learn the rules of Islamic law and fiqh of the imams of the sect through issues related to the zakat of mines;

The fact that the faqihs of Movarounnahr put into practice the fatwas of one of the leaders of the sect – Imam Muhammad about the permissibility of endowment of gold, silver and other precious stones, was proved by of the work "Fatavo Qazikhan" with the theme of وقف المنقول [waqful manqul] – "endowment of movable property", and his modern endowment funds and these scientific conclusions that serves as a shariah basis for its activities were incorporated into the explanatory academic translation of the work "Hidaya" (Reference No. 08-17/115 dated March 12, 2024 of the Center of Islamic Civilization in Uzbekistan under the Cabinet of Ministers of the Republic of Uzbekistan). As a result, it served to convey to the general public the views that today's Islamic scholars are practicing the fatwa method of Movarounnahr faqihs.

Approval of research results. The research findings have been presented and approved at a total of 11 events, including 3 international and 8 national scientific-practical conferences.

Announcement of research results. Regarding the topic of the research, 27 scientific papers have been published, of which 9 articles have been recommended for publication in scientific journals, including 6 in national and 3 in international

journals and 7 articles in other journals. Additionally, abstracts have been announced at 3 international and 8 local conference collections.

The structure and scope of the dissertation. The dissertation consists of an introduction, three chapters, a conclusion and a list of references. The volume of the dissertation was 155 pages.

THE MAIN CONTENT OF THE DISSERTATION

In the introduction, the relevance and necessity of the dissertation topic is based on the purpose and tasks of the research, the object and subject of study. The relevance of the research to the priority directions of the development of science and technology is shown, and the scientific novelty and practical results of the work are described. Based on the reliability of the obtained results, their theoretical and practical importance is revealed. Information on the implementation of research results, approval of the work, published works and the structure of the dissertation is presented.

The first chapter of the dissertation is called "**Classical fiqh sources of Movarounnahr in the 10th-13th centuries and methods of studying the issues of precious stones in modern research**".

The first paragraph of this chapter is called "*Methodological approaches to precious stones in Movarounnahr sources of fiqh in X-XIII centuries*", and it reveals the entry and spread of the Hanafi School in Movarounnahr, the classification of Hanafi fiqh works written in the country in the X-XIII centuries, and their methodology for studying precious stones. It was found that there are more than 60 works written by faqihs of Movarounnahr from X-XIII centuries. Among them, the reverse numbers of a total of 34 works kept in the oriental manuscripts fund of the Institute of Oriental Studies named after Abu Rayhan Beruni of the Academy of Sciences of Uzbekistan were examined in the dissertation.

Works such as "Tuhfatul Fuqaho", "Biboyatul Muftadi", "Viqoya", "Kanzud Daqoeq", "Mukhtasarul Viqoya" belong to the "text" genre. separate from the sources. In addition, the authors of the text tried not to go beyond the "Zakhirur Rivaya"⁹ and not to use weak narrations in the description of each topic. For example, in the work "Mukhtasarul Viqoya" regarding the zakat of gold and silver: "The nisab of gold is twenty misqals."¹⁰ The silver one is two hundred dirhams. The verbal and intellectual evidence of this ruling, the debate about what the differences of the faqihs consist of, have not been discussed. That's why books in the direction of commentaries and fatwas, such as "Badoe'us-sanoe", "Hidaya", "Muhit", "Fatavoi Qazikhan", are especially important in learning such information. In the chapters "Absolute (permanent) money - gold, silver", "Commercial goods", "Alms of Fitr" of the "Zakat book", "Conditions related to

⁹ "Zahirur Rivaya" is a collection of sources with the strongest transmission of the Hanafi school of imams. وهبة الزحيلي. فقه الإسلام وأدلته. - دمشق: دار الفكر، 1985. ج. - ص. 547.
¹⁰ مختصر الوقاية. عبيد الله بن مسعود ¹⁰ - Қозон: "Центральная", 1911. - P. 35.

the contribution (payment of the purchased item)", "Riba" (usury) of the "Sawdal" book. , in the chapters "Sarf" (cash exchange), in the "Clothes", "To eat" section of the "Istehsan" book, issues related to precious stones are studied¹¹. Jurisprudents are independent and have their own way of naming research topics, choosing a place, and arranging evidence. Also, the works of this genre shed light on the differences between sects, and by interpreting one of the jurisprudential views (studying the superior aspects), giving methodological and jurisprudential rules summarizing similar issues. In this regard, these sources are important in the formation of the science of *الفقه المقارن* [al-Fiqh al-muqorin] – "intersectarian comparison".

In the first chapter, "*Relations to the concept of precious stones and analysis of terms*", the terms related to precious stones were scientifically analyzed. Precious stones are called *حلي* [halyun] in fiqh and Arabic language sources, and its meaning corresponds to the words "mine" or "a product made of stones, used for decoration"¹². Also, *معدن* [ma'dan] is a term that occurs naturally underground, *كنز* [kanz] is a term buried underground by human factors, and *ركاز* [rikoz] is used in both meanings. Also, the phrase "*الاحجار الثمينة*" [al-ahjar al-karima], "*الاحجار السامية*" [al-ahjar as-samina] is also used in general for precious stones. Regarding these terms, there are similarities and differences between the faqihs of the Hanafi sect and the faqihs of other sects, and these differences have also influenced the differences in rulings.

Coins made of gold and silver were called naqd, dinar, dirham, wariq, tibr, nuqra, sabiyka, jiyad, zayuf, sattuqa, nabahraja, fals. When giving such a name to the coins, aspects such as its readiness, the amount of gold and silver in it, and the quality of the money were taken into account. Also in the work "Environment": *قلادة* [iqdun] - "crown", *اكليل* [ikliylun] - "crown", *تاج* [tajun] - "jewel", *وضوح* [vadokhun] - "necklace" (knocking on the neck), *قرط* [qurtun] - "wit", *خاتم* [qilodatun] - "ring", *فتخ* [fatakhun] - "ring without eyes", *خلخال* [kholkhalun] - "ring" (jewel worn on women's legs), *سوار* [sivarun], *مسك* [masakun], *قلب* [qulbun] - "bracelet" is said to be a tradition among the people¹³. In particular, knowledge of the fiqh meaning of terms such as ablution (purification), zakat, nisab, waqf, bay (trade), ijarah (rent), oriyah of precious stones is the basis for knowing the rulings related to them.

In the paragraph of the first chapter entitled "*Contemporary research on minerals*" based on the socio-economic, spiritual and educational importance of the subject, the modern research carried out today was studied. Scientific works have been carried out in Arabic, English, Turkish and several other languages on the rulings on the use of precious stones. Of course, among them, there are those that have been recognized and put into practice by Islamic scholars, and those that have faced some objections and criticism due to some minor shortcomings. Also, in

¹¹ علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. - بيروت: دار الكتب العلمية، 2003. - ج. 2. - ص. 371.

¹² ابن عابدين. حاشية رد المحتار على الدر المختار شرح تنوير الأبصار. - الرياض: دار عالم الكتب، 2003. - ج. 3. - ص. 277. وزارة الأوقاف والشؤون الإسلامية. الموسوعة الفقهية الكويتية. - الكويت: مكتبة العال، 1983. - ج. 18. - ص. 109.

¹³ برهان الدين محمود بن أحمد البخاري. المحيط البرهاني في الفقه النعماني. - بيروت: دار الكتب العلمية. 2004. - ج. 5. - ص. 346.

almost all modern studies, when studying the views of the Hanafi school, of course, the sources of fiqh of Movarounnahr have been referred to.

In fact, in the sources of Islamic law, besides quoting Shariah rulings on precious stones, the lifestyle, socio-economic status, and scientific and educational outlook of the population of that time are discussed. Also, information about the weight and shape of coins made of precious stones is given. Coins minted by local rulers and the names given to them are mentioned in the statement of fiqh. Accordingly, it is important to use the sources belonging to the faqihs of this region to determine the rulings specific to the Movarounnahr region in the implementation of modern research.

The second chapter of the dissertation is called "**Judgments on the use of precious stones for the purpose of decoration in the sources of Furuul fiqh**".

The first paragraph of the chapter is called "*The Shariah Basis of Permits and Prohibitions on Women's Use of Minerals as Ornaments*", in which Islamic Shariah examines the permissions and opportunities given to women based on the need for adornment, as well as the limits of Shariah. As with all fiqh sources, rulings on women's use of jewelry are studied in a unique manner in Mowarounnahr fiqh sources.

In works such as "Hidaya", "Badoe'us-sanoe'", "Muhit" it is considered that the use of precious stones as jewelry depends on two things: the type of precious stone from which jewelry is made, and the mood of its use. The difference in judgments between men and women is visible in the first round. In the second, it is understood that their judgments are common. Accordingly, the judgments of gold and silver products, jewels, ruby, sapphire products, iron, copper, and lead products were discussed separately. There are issues on which the faqihs of the madhhab agreed and disagreed¹⁴. In the research work, refutations of the faqihs of the Hanafi school were given to the opinions contrary to the consensus of the faqihs, and the opinions of the school were strengthened¹⁵.

Also, women are not allowed to wear jewelry that is characteristic of men, that has religious slogans of other religions, that has pictures of living things drawn or made in its shape¹⁶. According to the hadith, he was prevented from being extravagant by using expensive jewelry, or from abandoning adornment altogether and alienating those around him. Also, the differences between the rulings on adornment in the presence of husband, close relative or strangers are defined¹⁷. Since jewelry made of precious stones is part of the ruling on clothing, it is

¹⁴ برهان الدين محمود بن أحمد البخاري. المحيط البرهاني في الفقه النعماني. - ج. 5. - ص. 346. علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. - ج. 6. - ص. 519. أحمد بن علي بن حجر العسقلاني. فتح الباري بشرح البخاري. - مصر: المكتبة السلفية، 1390. - ج. 10. - ص. 317. أبو زكريا محيي الدين يحيى بن شرف النووي. المنهاج شرح صحيح مسلم بن الحجاج. - بيروت: دار إحياء التراث العربي، 1392. - ج. 14. - ص. 33. عبد الرحمن بن أبي بكر، جلال الدين السيوطي. حاشية السندي على سنن النسائي. - حلب: مكتب المطبوعات الإسلامية، 1986. - ج. 8. - ص. 157.

¹⁵ أدب الزفاف في السنة المطهرة. - ص. 88-118.

¹⁶ شمس الدين أحمد قاضي زاده. تكملة شرح فتح القدير المسماة: «نتائج الأفكار في كشف الرموز والأسرار». - لبنان: دار الفكر، 1970. - ج. 10. - ص. 22. أحمد الدردير. الشرح الكبير على مختصر خليل. - بيروت: دار إحياء الكتب العربية، 2010. - ج. 1. - ص. 63. أبو زكريا محيي الدين يحيى بن شرف النووي. روضة الطالبين وعمدة المفتين. - بيروت: المكتب الإسلامي، 1991. - ج. 2. - ص. 263.

¹⁷ برهان الدين محمود بن أحمد البخاري. المحيط البرهاني في الفقه النعماني. - ج. 5. - ص. 346. علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. - ج. 6. - ص. 519.

required to observe the rulings of wearing clothes that are fard, wajib, sunnah, mustahab, mubah, haram. It is necessary to refrain from actions that cause a violation of faith, such as asking for help from a jewel, hoping that it will bring happiness, and showing it as the reason for the successful implementation of things.

In the section of the second chapter called "*Analysis of Men's Views on the Consumption of Minerals*", it is considered that Islamic Shari'a orders men to take care of themselves and make their appearance attractive. In addition to adornment, it is emphasized that it is necessary to preserve masculine qualities such as dignity, strength, and enthusiasm. From the point of view of Islamic Shari'a, several prohibitions and restrictions have been placed in this regard due to the fact that wearing jewelry made of precious stones damages these qualities of men. After all, adorning yourself with expensive jewelry is considered a woman's job. Therefore, men are allowed to wear precious stones only in some non-jewelry places, out of necessity.

The rulings on the use of gold, silver, jewels, ruby, and sapphire products are different from women's consumption¹⁸. According to the faqihs of the Hanafi school, it is permissible for men to wear a silver ring. Nabi s.a.v. and the Companions wore silver rings because they needed to be sealed. According to this, in the Hanafi madhhab, this work is Sunnah for persons who need to wear a seal or a ring for similar purposes, such as sultans and judges¹⁹. For other people, it is said that it is permissible to wear a silver ring, but it is preferable not to wear it. Therefore, wearing a silver ring is an exception to the ban on jewelry for a man. Accordingly, it is said in the work "Hidaya": "A silver ring is not a piece of jewelry. Because it would have been prohibited for men if it had been a piece of jewelry²⁰. According to Imam Abu Hanifa, teeth that are loose and weak can be hardened and fixed with silver, not gold²¹. The nose can also be made of gold. According to Imam Muhammad, both gold and silver can be used for treatment. These fatwas, which were narrated from the imams, indicate that the matter of treatment is different from the matter of adornment. Accordingly, it will be possible to use gold and silver products for treatment of organs other than teeth and nose. And unlike gold and silver jewelry used for treatment, it becomes a real need of a person and does not require zakat.

¹⁸ برهان الدين المرغيناني. الهداية في شرح بداية المبتدي. - مصر: مطبعة مصطفى البابي، 2003. - ج. 4. - ص. 82. بدر الدين العيني. البناء في شرح الهداية. - ج. 9. - ص. 282. أحمد بن محمد الصاوي. بلغة السالك لأقرب المسالك. - مصر: مكتبة ومطبعة البابي الحلبي، 1952. - ج. - ص. 25. محمد عرفة الدسوقي. حاشية الدسوقي. - مصر: دار إحياء الكتب العربية. 2010. - ج. 1. - ص. 62. يحيى بن شرف النووي. المجموع شرح المهذب. - المدينة المنورة: المكتبة السلفية، 2004. - ج. 6. - ص. 38. أبو الحسن الماوردي. الحاوي الكبير. - بيروت: دار الكتب العلمية. 2009. - ج. 3. - ص. 275. ابن قدامة. المغني. - القاهرة: دار الكتب العربي. 2008. - ج. 2. - ص. 606. أبو طيب صديق بن حسن القانوجي. روضة الندية شرح درر البهية. - بيروت. دار المعرفة، 2015. - ج. 2. - ص. 217.

¹⁹ أحمد بن غنيم النفراوي. الفواكه الدواني على رسالة أبي زيد القيرواني. - بيروت: دار الفكر، 2011. - ج. 2. - ص. 235. حاشية الخرشني على مختصر سيدي خليل. - بيروت: دار صادر، 2005. - ج. 1. - ص. 99. حاشية الدسوقي. - ج. 1. - ص. 63. مغني المحتاج - الشربيني - محمد الشربيني الخطيب. - بيروت دار إحياء التراث العربي، 2002. - ج. 1. - ص. 392. حاشية فليوبي وعميرة. - ج. 2. - ص. 24. علي بن سليمان المرادوي. الإنصاف في معرفة الراجح في الخلاف. - ج. 3. - ص. 142. مرعي بن يوسف الكرمي المقدسي. غاية المنتهى في الجمع بين الإقناع والمنتهى. - ج. 1. - ص. 314. منصور بن يونس البهوتي. شرح منتهى الإرادات. - بيروت: دار الفكر، 2008. - ج. 1. - ص. 404.

²⁰ برهان الدين المرغيناني. الهداية في شرح بداية المبتدي. - ج. 4. - ص. 82. الموصلي. الاختيار. - ص. 82. اليهودي. كشاف القناع. - ج. 2. - ص. 236. المرادوي. الإنصاف. - ج. 3. - ص. 142.

²¹ فتاوى الهندية. - ج. 5. - ص. 336. بدر الدين العيني. البناء. - ج. 9. - ص. 237.

The rulings of the second chapter entitled "*Rulings on the use of minerals in domestic life*" are common for men and women, and it discusses the use of precious stones for purposes other than jewelry. In Hanafi, Maliki, Shafei (according to the new view), Hanbali and Zahiri, it is not permissible to eat, drink, or perform ablution from utensils made of gold and silver, such as spoons, china, bowls, teapots, and utensils. In this regard, the size of the container does not differ²². Therefore, it is not permissible from the point of view of Sharia to consume gold products in the food and drinking water that are popular among people today. Also, in the Hanafi school, it is permissible to keep gold and silver items. The faqihs of other sects did not agree with the faqihs of the Hanafi sect on this matter. All sects agreed that it is permissible to use and store containers made of minerals such as jewels, rubies, and diamonds.

Also, in the Hanafi school, it is permissible to use gold, silver and other precious stones in the construction of mosques and madrasas, in the decoration of the Qur'an or other sacred books. The faqihs of the Shafi'i sect say that mosques, madrasas and books cannot be decorated with things that are not allowed to be kept. Hanafi faqihs support their sect with hadith comparisons and intellectual arguments²³. But if people are in need of precious stones, it is better to spend them for the needy than to use them for the decoration of mosques and books.

The third chapter of the study is entitled "**Financial Issues of Precious Stones and Its Modern Importance**".

The first paragraph of the chapter entitled "*Problems related to zakat of cash and commercial goods and their solutions*" deals with zakat of precious stones. In the work "*Mukhtasarul Viqoya*" it is said that the zakat of precious stones is divided into two parts. According to him, from the point of view of Sharia, gold and silver are *ثمن* [saman] – cash, and stones such as rubies, diamonds, sapphires, and turquoise are considered *عروض* [uruz] – goods. In order for zakat to be obligatory on gold and silver, which is considered as cash, a person's wealth must reach the amount (nisab) determined by Sharia. Nisab is not specified for precious stones that are considered uruz (item). Therefore, their zakat is compared to the nisab of cash. Also, in order for zakat to be obligatory on uruz, it is stipulated that they become commercial goods. Similar and different aspects of zakat obligation on cash and commercial goods are analyzed in detail in the dissertation. Also, as a result of the problems caused by the change in the ratio of silver in the coins, Umar (r.a.) The concept of Shariah dirham appeared through the reform carried out during.

A fifth share from mining, mining, and rickshaws is not zakat according to the faqihs of the Hanafi school. However, in the sources, issues of mining and finance are included in the book of zakat. Also, it is necessary to provide a modern solution to the issues related to the discovery of minerals from darul Islam or darul

²² علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. ج. 5. ص. 132. برهان الدين المرغيناني. الهداية في شرح بداية المبتدي. ج. 4. ص. 78. القرافي. الذخيرة. ج. 1. ص. 67. حاشية الدسوقي. ج. 1. ص. 64. الشربيني. الإقناع. ج. 1. ص. 28. النووي. روضة الطالبين. ج. 2. ص. 264. المرادوي. الإنصاف. ج. 1. ص. 79. البهوتي. شرح منتهى الإرادات. ج. 1. ص. 24. ابن حزم. المحلى. ج. 2. ص. 223.

²³ علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. ج. 5. ص. 132.

kufir, from private or sacred land. Because terms such as "Darul Islam" and "Darul Kufr" were used based on the reality of the Middle Ages, and today the interpretation of these terms by Islamic scholars has changed. Accordingly, in this paragraph, the question of harmonizing the rulings on the places where the mines were found with modern views was analyzed.

In the second paragraph entitled "*Rulings on trade and endowment of minerals*", issues related to the types of trade of precious stones called "absolute", "comparison", "salam", "nation", and "sarf" were studied. Among these types of trade, "consumption" trade gained importance, so its judgments were analyzed in detail. In the book "Badoe'us-sanoe" from Movarounnahr fiqh, the trade of "sarf" is described as follows: "Sarf is the sale of one money for money of the same gender or another gender"²⁴. Those who engage in this trade are called "moneylenders". In fiqh istilah, money is divided into two types: natural and istilah. Gold and silver are used as monetary money, and monetary money is money that has become a means of exchange between people other than gold and silver. Unlike conventional money, moral money is not in the form of a coin, but in the form of an item, but in the form of cash. Therefore, the exchange of gold articles for gold articles or gold coins is also called sarf²⁵. Gemstone exchange matters are important in knowing the rulings of today's modern money trade.

According to Abu Hanifa (r.h.) keeping a certain thing in the property of its owner and donating its benefit is waqf. According to Abu Yusuf and Muhammad, keeping a certain thing in the property of God is waqf. Certain things that come in the definition of waqf are divided into two parts. غير منقول [ghoyri manquul] – "Real estate" or منقول [manquul] – "movable property". Endowment of immovable property is permissible in the eyes of all sect leaders. There is a difference of sectarians regarding the endowment of movable property such as gold and silver articles, jewelry, precious stones, ore. Abu Hanifa (r.h.) those who say that the endowment of movable properties is not permissible. In the eyes of Imam Muhammad, it is permissible to endow movable properties that people have established as a habit²⁶. The faqihs of Movarounnahr issued a fatwa based on the words of Imam Muhammad regarding the endowment in the 10th-13th centuries, and Muslim muftis have followed this fatwa in practice until today.

The last paragraph of the third chapter of the dissertation was called "Modern jurisprudential aspects and specific features of issues related to precious stones." The sources, which are the object of research, belong to the X-XIII centuries, and the faqihs approached the issues from the point of view of the time and space in which they lived. Now that it is the 21st century, it is necessary to know to what extent the issues mentioned by the faqihs regarding precious stones in the sources

²⁴ علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. ج. 5. - ص. 215.

²⁵ علاء الدين الكاساني. بدائع الصنائع في ترتيب الشرائع. ج. 5. - ص. 215. حاشية ابن عابدين. ج. - ص. 334. ابن همام. فتح القدير. ج. 6. - ص. 258. مغني المحتاج. ج. 2. - ص. 25. ابن قدامة. المغني. ج. 4. - ص. 41. شرح منتهى الإرادات. ج. 2. - ص. 201.

²⁶ عبيد الله بن مسعود. مختصر الوفاية. - ص. 133.

have retained their importance, and what other issues have changed based on the rule that "the change of times affects the change of fatwa"²⁷.

By the 19th and 20th centuries, scientists discovered more than four thousand new types of minerals, such as Painite, Gibbonite, Red Beryl, Jeremejevite, Chambersite, Taafite, Musgravite, Grandidierite, Pudretteite, Serendibit, and Zektzerite. Artificial gemstones such as zirconia, cubic, zirconium moissanite, corundum, spinel have also appeared. Naturally, the Shariah judgments of these stones are not mentioned in the sources of X-XIII centuries Movarounnahr, which is the object of research. This puts the responsibility of today's Islamic scholars on expressing the Shariah attitude towards them in modern studies. For this purpose, it is necessary to compare the issues of gold, silver, ruby, diamond, sapphire, and turquoise mentioned in the sources in rulings such as using these stones as jewelry, paying zakat, and trading. Qiyas is one of the evidences of the Sharia, its work is to transfer the ruling of the thing that has come to the nasda to the thing that has not come to the nasad ruling²⁸.

In the research conducted in Germany and England, it was found that gold products are beneficial for women and harmful for men²⁹. Research such as this represents the confirmation by modern science of the principle that guidelines for the use of precious stones are actually for the benefit of humans. About this rule, Abul Barakat Nasafi in his work he says in "Manor": "If a work is ordered in the Islamic law, then there will be good in this work. If one is rejected from a job, there will be evil in that job. After all, the one who orders and returns is the judge,"³⁰.

Also, gold and silver were seen as cash in the eyes of Sharia and people. By the 19th century, they became not a means of exchange in people's interactions, but a commodity product³¹. As a result, a number of problems have arisen regarding Shariah rulings related to gold and silver. Because many issues such as zakat, trade, debt transactions, dowry, punishment of crimes are built on the basis of gold and silver. Also, people began to use paper money in the 19th century, electronic money in the late 20th and early 21st century, and crypto-currencies in recent years. Therefore, this type of money created the need to justify the sharia rulings of units with gold and silver. In the third paragraph of Chapter III, the opinions expressed by Islamic scholars on these issues were discussed separately.

CONCLUSION

Based on the scientific-practical research of the dissertation written on the subject of rulings on the use of precious stones in the classical fiqh sources of

²⁷ شيخ صلاح أبي الحاج. المنهاج الوجيز. - ص. 278.

²⁸ ملا جيون الهندي. نور الأنوار في شرح المنار. - باكستان: البشري، 2021. ج. 2. - ص. 3.

²⁹ Gholamreza Atei, Fatemeh Rezaei and Mahboubeh Khadem Abolfazl. <https://www.researchgate.net/publication/277078212> Why is Gold Forbidden for Men in Islam An original study. February 2015. License CC BY 4.0. - P. 4-7.

³⁰ ملا جيون الهندي. نور الأنوار في شرح المنار. - ج. 1. - ص. 200.

³¹ محمد تقي العثماني. بحوث في قضايا فقهية معاصرة. - دمشق: دار القلم، 2003. ج. 1. - ص. 76.

Movarounnahr of the X-XIII centuries, and based on the goals and objectives of the research, the following conclusions were reached:

1. There are more than sixty sources of Movarounnahr fiqh from the X-XIII centuries, which are divided into three groups: 1) متون [mutun] - "texts", 2) شروح [shuruh] - "commentaries", 3) فتاوى [fatawa] - "fatwas". Zakat, Karohiyat in works such as "Mabsut", "Badoeus-sanoe", "Hidaya", "Fatavoi Qazikhan", "Fatavoi Sirojiya", "Kanzud Daqiq", "Sharhul Wiqaya", "al-Fiqh an-nofe", issues related to precious stones were studied in a systematic way, based on specific methods, within topics such as trade, rent, endowment. In these works (such as following a logical connection when sorting the issues, choosing a specific name for the topics, justifying the judgments, distinguishing the nasikh from the mansukh, noting the generality, determining the advantages of the evidences from each other, inter-sectarian comparative analysis, strengthening the views of the Hanafi school, taking into account time and place when giving fatwas, giving solutions to the regional issues) similar and different methods served as a scientific-theoretical basis for the faqihs of the later period in determining judgments about precious stones.

2. The works of "Tilbatut Talaba" and "al-Mu'rib" have a special importance among jurisprudential terms. In these works, words such as "al-ahjar al-karima", "al-ahjar as-samina", "huli" are used for precious stones, and the terms "rikoz", "ma'dan", "kanz" are also said to be connected with them. The use of the term "uruz" for precious stones such as jewels, diamonds, rubies, sapphires, and turquoise, and "nuqud" for gold and silver is mentioned in "Hidaya". In "Sharhul Wiqaya", since gold and silver coins are of different sizes, the faqihs used the term "sharia dinar" and sharia dirham, and depending on their quality level, they were called "tibr", "nuqra", "sabiyya", "Jiyad" and "Zayuf". The description of local coins such as "Ghatrifi", "Idoli", "Farghani", "Bukhari", "Sattuqo", "Nabahraja" is given in detail in the book "Muhit". The explanation of terms such as zakat, nisabi, waqf, sale, rent, oriya of precious stones is given in clear, concise and understandable way in "Kanzud daqoeq". The four madhabs' faqihs' studying the similarities and differences between the regarding the explanation of terms serves as a foundation for understanding the fiqh and putting it into practice.

3. In modern researches, there are cases of examining issues related to precious stones on the basis of four schools of madhabs, and making tarjih faqihs' based on personal opinion. This situation does not correspond to the style of tarjih [tarjih] in classical fiqh sources. Based on this, among other issues, it is important to study rulings on precious stones based on the style of the sources of the Hanafi madhhab of the classical period. In addition, it is crucial to study the solution of the modern, region-specific problems related to using precious stones, such as zakat, trade, endowment, rent, company, based on Movarounnahr sources, according to the rule that "the change of time and space affects the change of judgement in fiqh". In this regard, the use of modern studies based on the Hanafi school is of great importance.

4. The dressing culture of Muslim people is determined by the instructions regarding the use of minerals as jewelry. In this regard, the sources of "furul fiqh" such as "Badoeus sanoe", "Hidaya", "Muhit", "Fatavoi Qazikhan" are noteworthy, in which there are rulings, evidence and reasons about women's using mineral. In Qazi Khan's work "Fatawa" it is said that it is permissible for women to utilize precious stones such as gold, silver, jewels, emeralds, rubies, and coral as jewelry, but it is forbidden to use metals such as iron, copper, and lead. Non-religious slogans, animal images, or masculine jewelry may not be worn. It is mentioned in the work "Hidaya" that when determining the rulings on the use of jewelry, whether a woman is at home, on the street, in public places, in the presence of mahram or non-mahram people, days of joy (holidays, wedding parties) and sadness (mourning, iddah). Although there is no specific limit on the use of permitted items, it is emphasized that it is necessary to avoid from wasteful, lavish, and extravagant activities.

5. There are more prohibitions and restrictions on men's use of precious stones as jewelry than women. Movarounnahr sources of fiqh, including "Kanzud daqoeq", state that men may not use precious stones such as gold, silver, ruby, sapphire, and turquoise as jewelry. In the work "Hidaya" it is added that it is allowed to make items such as rings, belts, and sword handles made of silver, and these permissions are not for decoration, but for necessity. In the work "Fatavoi Qazikhan", a fatwa was given that a man can use gold and silver in the treatment of his teeth, nose, hands, feet, etc. According to the principles of the Hanafi school, although minor boys are not liable, it is important to accustom them to follow such rulings from a young age. The difference in the rights and obligations of men and women is seen not only in the use of jewelry, but also in other matters such as prayer, fasting, zakat, and pilgrimage.

6. According to the faqihs of the Hanafi school, the rulings on the use of minerals in domestic life are common for men and women. According to it, it is not allowed to use gold and silver dishes, but they can be kept. It is permissible to use and store dishes made of precious stones such as jewels, rubies, and emeralds. But in this regard, it is necessary to avoid vices such as extravagance, arrogance, hypocrisy. It is permissible to decorate mushafs and mosques with gold and silver. The ruling on decorating other prestigious books and buildings is also similar. At a time when decorating mosques and mushafs with precious stones was judged as mustahab or, on the contrary, makruh, the faqihs of Movarounnahr issued a fatwa saying that it is mubah, which means that they took a moderate, middle path. In connection with these issues, in determining the verses and hadiths that have been followed, interpreted or invalidated in the madhhab, as well as, Movarounnahr's "Mabsut", "Muhit", "Fatavoi Qazikhan" and other works are noteworthy. in the study of the rulings of clothing, jewelry, household items that are traditionally used in the region.

7. Zakat-obligatory goods are classified into three groups: livestock, cash and commercial goods. While gold and silver are considered cash, precious stones such as rubies, diamonds, turquoise, and pearls are considered commercial goods. 20

misqals (85 grams) of gold and 200 dirhams (595 grams) of silver have nisab, and a person who owns this amount gives one fortieth (2.5%) of it as zakat to the poor. As during the 10th-13th centuries pure gold or silver coins were few in the hands of people in the Mowarounnahr region, and there were a lot of small coins, so the faqihs used the shar'i dinar and dirham, which were introduced during the time of Hazrat Umar (r.a.), as money. Due to the fact that there is no specific nisab for the zakat of precious stones, which are commercial goods, the faqihs of the region calculated them based on the value of gold or silver. Although the hummus (one-fifth share) taken from mines, rikoz and kanz is not considered zakat according to Hanafi faqihs, the rulings on them is listed in zakat books "Tuhfatul Fuqaha", "Mabsut", "Hidaya", "Muhit", "Kanzu daqoeq", "Sharhul Wiqoya". Burkhaniddin Mahmud Bukhari's book "Muhit" is considered important in determining the similarities and differences in the rulings of the Madans in the Muslim lands, in the lands of non-religious, Arab, novice, including in the Movarounnahr region.

8. Judgments regarding the trade of minerals are determined based on the types of trade. In the work "Muhit", the trade transaction is classified into such types as exchange of goods for goods (muqoyaza), money for money (sarf), goods for money (bay), money for goods (salam). It is necessary to learn the rulings of the trade of "sarf" in order to avoid "ribo" (usury) in the trade of precious stones. During the 10th-13th centuries, real gold and silver coins almost disappeared in local circulation among people in Movarounnahr, and were replaced by small copper coins. If, it had been declared a fatwa that there is no riba on small coins, according to Imam Abu Hanifa and Abu Yusuf's views, usury would have increased among people. For this reason, the Hanafi faqihs of Baghdad say that there is no riba in the consumption of small coins according to the view of sheikh, while the faqihs of Mowarounnahr say that there is riba in the sale of small coins based on the words of Imam Muhammad. The author of the book "Muhit" says that the tradition of the people was the reason for issuing a fatwa on the views of Imam Muhammad. The use of this fatwa by modern waqf funds shows that its importance has not disappeared even now.

9. From the 13th century to the 21st century, the rules in Mowarounnahr's classic fiqh books have been the basis in determining ruling in the use of four thousand types of minerals that have been identified in personal and social life, in medicine, and in industry. Determining the modern weight of Sharia dinar and dirham, studying the effect of inflation of gold and silver on determining the zakat of commercial goods and paper money during the fourteen centuries, as a result of the international withdrawal of gold and silver from cash consumption. It is important to respond to the circulation of paper money, electronic money, cryptocurrencies, and provide solutions to modern issues. Rulings regarding breaking, exchange, and depreciation of money are inextricably linked to the rulings of gold and silver. Taking into account the complexity of transactions in the world market of the 21st century, it is necessary to give a new solution to the trade of precious stones compared to the trading practices carried out during the 10th-

13th centuries. It is appropriate to use Movoraounnahr fiqh sources such as "Mabsut", "Badoeus sanoe", "Hidaya", "Muhit", "Fatavoi Qazikhan" in a unique solution to more than ten such modern issues.

Based on the results and conclusions obtained during the research, the following proposals and recommendations were put forward:

1. Publication of scientific and popular pamphlets entitled "Fatwas on making jewelry from precious stones and its use", "Fatwas on trade of precious stones", "Fatwas on zakat on precious stones";

2. To include the topics "Modern issues related to the use of precious stones" in the curriculum of the "Jurisprudential foundations of modern issues" taught in religious educational institutions, and "Usulul fiqh rules" in the curriculum of the "Usulul Fiqh" subject;

3. It is appropriate to study the issues related to precious stones mentioned in sources of Movarounnahr fiqh of the XIV-XIX centuries as a separate object of research.

**НАУЧНЫЙ СОВЕТ DSc 35/30.12.2019.Isl/Tar/F.57.01 ПО
ПРИСУЖДЕНИЮ УЧЕНЫХ СТЕПЕНЕЙ ПРИ
МЕЖДУНАРОДНОЙ ИСЛАМСКОЙ АКАДЕМИИ УЗБЕКИСТАНА**

МЕЖДУНАРОДНАЯ ИСЛАМСКАЯ АКАДЕМИЯ УЗБЕКИСТАНА

ТУХТАСИНОВ РУЗИМУХАММАД НУРМАХАМАД УГЛИ

**ЗАКЛЮЧЕНИЯ ПО ИСПОЛЬЗОВАНИЮ ДРАГОЦЕННЫХ КАМНЕЙ
В КЛАССИЧЕСКИХ ИСТОЧНИКАХ ПО ФИКХУ В МАВЕРАННАХРЕ
В X-XIII ВЕКАХ**

24.00.01 – История и источниковедение ислама

**АВТОРЕФЕРАТ
ДИССЕРТАЦИИ ДОКТОРА ФИЛОСОФИИ (PhD) ИСЛАМОВЕДЧЕСКИХ НАУК**

ТАШКЕНТ – 2024

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Цель исследования выявить значение постановлений об использовании драгоценных камней в источниках фикха Мавераннахра X-XIII веков в решении социально-экономических вопросов.

Объектом диссертации являются источники фикха Мавераннахра X-XIII вв.

Предметом исследования являются постановления и фетвы, касающиеся драгоценных камней, в источниках фикха Мавераннахра X-XIII вв.

Методы исследования. В диссертации использован ряд методов исследования, в том числе комплексный подход, диалектический анализ, системный анализ, проблемно-ориентированный анализ, синтез и сравнительный анализ, также в работе использованы принципы историзма и логики.

Научная новизна исследования заключается в следующем:

В основу исследования положено наблюдение за тем, что доля серебра в монетах Мавераннахра уменьшилась по сравнению с шариатским дирхамом (الدرهم الشرعي) в X-XIII вв., что послужило решением проблем с закятом, возникших в регионе в результате введения практики определения суммы закята по весу содержащегося в них серебра, а не по количеству монет;

работа Бурханиддина Махмуда Бухари «Мухит» посвящена введению обращение динаров (الدينار) и дирхамов (الدرهم), определению условий, при которых валюта может считаться мерой товаров и услуг, выпускаться государственным органом, быть известной населению и служить основой для шариатского постановления, представлены условия обращения современных бумажных и электронных денег и рассмотрены их отличия от вышеупомянутых условий;

в произведениях «Мухит» Бурханиддина Махмуда Бухари и «Фатава» Фахриддина Казихана встречаются типы монет с названиями «гатрифи», «бухари», «саттуко», «набахраджа», «идоли», «фаргани», «фулус» в Мавераннахра, и поскольку они не упоминались в хадисе, было научно обосновано правило, согласно которому их закят должен рассчитываться на основе соотношения золота или серебра к их стоимости, а не на их весе;

о том, что факихи Мавераннахра внедрили в практику фетвы одного из лидеров мазхаба – имама Мухаммада о допустимости вакфов золота, серебра и других драгоценных камней, свидетельствует произведения «Фатава Казихан» وقف المقول [вакфул манкул] – “вакф движимого имущества” в котором говорится, что для деятельности современных вакфных фондов служат в качества основ шариата.

Внедрение результатов исследований. На основании научных выводов и предложений, выработанных в результате исследования, проведенного на тему заключения об использовании драгоценных камней в классических источниках фикха Мавераннахра X-XIII веков:

научные исследования, основанные на том, что в X-XIII веках количество серебра в монетах Мавераннахра уменьшилось по сравнению с исламским дирхамом (الدهرم الشرعي) и послужило решением проблем, связанных с закят, возникших в регионе в результате введения практики определения размера закята по весу серебра в монетах, а не по количеству монет. Выводы вошли в содержание научного аннотированного перевода книги «Хайратул Фукаха», изданный решением Комитета по делам религий Республики Узбекистан (Акт № 02-02/864 от 19 марта 2024 г. Комитета по делам религий Республики Узбекистан). В результате информация о том, как юристы Мавераннахра предлагали шариатские решения региональных проблем в истории, дошла до научного сообщества;

работа Бурханиддина Махмуда Бухари «Мухит» посвящена введению обращение динаров (الدينار) и дирхамов (الدهرم): определению таких условий, как то, что они являются мерой товаров и услуг, производятся государственным органом и являются известными общественности представляет условия обращения современных бумажных и электронных денег. Из соответствующих выводов, которые, как было доказано, послужили основой шариатского решения, были включены в содержание книги «Комментарий к Сунани Термизи», подготовленной Международным научным центром Имама Термизи (Акт № 01-07/251 от 20 декабря 2023 г. Международного исследовательского центра Имама Термизи при Управлении мусульман Узбекистана). В результате изучения фетв, изданных факихами X-XIII веков Мавераннахра, послужило решению сегодняшних современных проблем;

в произведениях «Мухит» Бурханиддина Махмуда Бухари и «Фатава» Фахриддина Казихана встречаются типы монет с названиями «гатрифи», «бухари», «саттуко», «набахраджа», «идоли», «фаргани», «фулус» в Мавераннахра. И поскольку в хадисе это не упоминается, то научные выводы о том, что правило о том, что их закят должен рассчитываться на основе соотношения золота или серебра, а не на их весе, основаны на научных выводах включены в учебное пособие «Усулул Фикх», изданное в высшем медресе Мир Араб под руководством Управления мусульман Узбекистана (Акт № 4920 от 20 ноября 2023 г. Управления мусульман Узбекистана). В результате студенты учебных заведений усвоили вопросы, касающиеся закят камней по усулу и фикху имамов мазхаба управления мусульман Узбекистана;

о том, что факихи Мавераннахра внедрили в практику фетвы одного из лидеров мазхаба – имама Мухаммада о допустимости вакфов золота, серебра и других драгоценных камней, упоминает произведение «Фатава Казихан» وقف المقول [вакфул манкул] – “Вакф движимого имущества”, в котором говорится, что для деятельности современных вакфных фондов служат в качестве основ шариата были изложены в аннотированном академическом переводе труда «Хидая» (Акт № 08-17/115 от 12 марта 2024 г. Центра исламской цивилизации в Узбекистане при Кабинете Министров Республики Узбекистан). В результате это послужило доведению до широкой

общественности мнения о том, что сегодняшние исламские ученые практикуют метод фетвы факихов Мавераннахра.

Апробация результатов исследования. Результаты исследований были апробированы на 11 научно-практических конференциях, в том числе 3 международных и 8 республиканских.

Публикация результатов исследования. По теме диссертационного исследования было опубликовано 27 научных работ, в том числе 9 статей в научных изданиях, рекомендованных к публикации основных научных результатов докторских диссертаций ВАК РУз, из них 6 в республиканских и 3 в зарубежных научных журналах и 7 статей в других журналах. Тезисы опубликованы в сборниках 1 международной и 3 местных конференций.

Структура и объем диссертации. Диссертация состоит из введения, трех глав, заключения, списка источников и литературы, приложений. Объем диссертации 155 страниц.

E'LON QILINGAN ISHLAR RO'YXATI
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