

factors influence the Middle-East policy and relations between Islamic countries.

Author of the abstract – Elena Dmitrieva

MUSLIM ATAEV. CHILDREN'S RIGHTS IN ISLAM // *English version of the article was submitted by the author for the bulletin "Russia and the Moslem World."*

Keywords: children's rights, family problems, matrimonial relationships, family law, Qur'an and Hadiths, Ustrushani, Sahib al-Fusul.

Muslim Ataev,

PhD(History), Associate,

Fatwa Section, Muslim Board of Uzbekistan

Abstract: This article examines the significance and role of the rights of children in Islam, which are interpreted in the work of Muhammad ibn Mahmud Ben Hussein Majuddin Al-Ustrushan "Jami' ahkam al-şighar" ("Rights of minor children"), their peculiar properties, socio-economic, cultural educational background.

Uzbekistan embodies experience of the state starting with the ancient Sogdiana and Khorezm, Samanids state, Khorezmshahs, Timur and the Timurids, and the historical experience of our ancient nation with its age-old dream of its own state. The Uzbek state and law are inseparably combine unity of universal and national statehood, and develop in accordance with spiritual potential of our civilization accounting more than three thousand years.

Legal culture of people in Maverannahr derives from its civilization, common and state culture, morality of the nations. Long-living cultural tradition part of which is the legal tradition is operating not only in area of official statehood, but also in the moral regulation in the nations and people. Here is the value of historical, cultural and legal traditions of people of Maverannahr.

A notable feature of the historical development of Uzbek ancestors in antiquity and the Middle Ages was the impact and interaction with the cultural and legal traditions not only of China, India, Greece, Rome, Byzantium, but also the Assyrian-Babylonian, Achaemenid law. It is almost impossible to separate the Uzbek legal culture from the Arab-Islamic culture of *fiqh*, which is in its essence not only religious, legal, but also social and regulatory in a wide sense.

Interference and interaction of different legal cultures and traditions have existed always and everywhere as one of the sources of law enrichment and human mind. As a rule, fastening and mixture of different cultures brought to reality new people and nations, new civilizations and traditions.

Islam emerged as a religion in the VII A. D., gradually becomes faith and ideology, philosophy and way of Muslims life at the same time, their divine law. In this sense, it has played a vital role for future of the East as a unifier of various cultures, traditions, customs, and contributed to a merger and cultural enrichment of the nations, as well as to a formation of new cultures and nations on the basis of Islamic civilization.

The Arab-Islamic civilization apprehended and subsequently transferred to the Europeans a variety of achievements of ancient Greeks and the later achievements of the Hellenistic period and the Roman domination in the Middle East, having learned certain elements of the Aramaic, Iranian, Indian and Chinese cultures. Already in the first century of Islam, Muslims have appeared in India, Spain, and in the west of China, and south of France. Of particular significance the intercultural and interethnic communication occurred in the Muslim Spain, or, as it was called by Arabs, the country *al-Andalus*. For the Ottoman Empire, a conglomerate of various peoples and quite colorful in the national and cultural sense, Islam was often the only common thread. It acted not only as the state religion and official ideology, but also as a cementing start in life of such a diverse power and mixed in terms of national and religious respect society as a powerful

culture-forming factor despite a significant proportion of non-Muslims.

As a result of the Arab conquest of Maverannahr, the country with rich cultural and legal traditions was introduced with Islam and Sharia. From that time it started the centuries-old interaction, which incorporates elements of the Middle Eastern civilization and law with local cultural and legal traditions.

The term "Maverannahr" is derived from the Arabic "mavara'a an-nahr" - that side of the river. First the word appeared in the third quarter of the VII century, when Arabs conquered Khorasan and came to the Amu Darya River and began to make the first forays into the land lying on the other side of the river. Gradually, with advancement of the Arabs to the north of Amu Darya, the geographical concept of "Maverannahr" filled with more specific content and expanded through addition of new territories, which included not only Sogd, Ferghana, Ustrushan, Isfidzhab, Huttal, Ilac and Shash, but even in some periods Mevra, Khorezm and partly Turkestan, although they were not part of the rivers Amu Darya and Syr Darya. In the X-XIII centuries Maverannahr, due to number of reasons of political, economic and cultural origin, turned from the geographical concept into a political one. It started to imply the territory of Central Asia with the Muslim population.

Juridical and cultural value of Maverannahr to medieval people was in its integration capabilities that went beyond of only the Muslim world into the culture and science of India, that after the defeat Zoroaster preserved the knowledge of its scientists in Khorezm.

Ethnicity of Central Asia was multinational. In addition to the Uzbeks and other Turkic nations, Maverannahr was inhabited by representatives of other countries and nations - Indians, Tibetans, Arabs and vice versa: in many Eastern countries lived immigrants from Maverannahr. In these cities there were even rabad of Khorezmians, street of people from Fergana, Ustrushan, Bukhara, etc.

Despite the geographical distance from a center of the Muslim world, Maverannahr was one of the regions with a developed economy, culture, science that found manifestation in the extensive cultural, trade and other ties.

Cultural links was in a wide mutual flow of scientists, poets, writers and theologians. Bukhara and Khorezm, Samarkand and Merv were considered as major educational and research centers, where people come to study from the Maghreb, Andalusia, Azerbaijan, Tabaristan, Khorasan and other places. However, scientists of Maverannahr in a search for knowledge reached Egypt, Iraq, and Syria.

Wide links of Maverannahr with the world and a relatively high level of literacy of its inhabitants have contributed to a widespread dissemination of once famous such humanitarian professions, as "faqīh" – lawyer, "alim" – scientist, "mutakallim" – theologian, "adib" – writer, "nadīm" – counselor, teacher, etc.

The links were largely influenced by religious situation in Maverannahr with specific religious tolerance. Religion played an important role in the lives of the nations in Maverannahr and to some extent influenced on social progress. The major part of population of Maverannahr were Muslims even though the representatives of Christianity, Judaism and Zoroastrianism also inhabited this territory. At the same time, Islam itself represented variety of gossips and movements.

Despite belonging to the Sunni some of the residents of Maverannahr were Shiites of various sects, particularly, the Shiite sect of Alavists who every morning were leaving their village in a direction of the sun to meet their messiah. In addition, there were representatives of such schools as Mutazilism, Nadzhzharizm, Dzhahmizm, Kerramizm, which were subdivided into smaller directions, as well as the representatives of Sufism, dwellings of which (khanaka, rabats) gradually were transformed into trading centers, in particular, into Caravanserais changing its original function and starting to play a major role in trade relations.

It is necessary to emphasize not only the influence of Shiites, Karmats and Sufis on development of legal thought in Maverannahr, but also of Sunnis like Ghazali, Bukhari, on their commonality in understanding of human value.

The main Sunni legal and theological madhhab (gossip) in Maverannahr was hanifizm. However, according to al-Muqaddasi, some areas of Maverannahr, such as Shash, Ilac, around Bukhara, Taraz, Sugnak, Khiva were dominated by supporters of the right-wing Shafi legislation. One can also find reference on the existence of adherents Maliki school of law in Maverannahr. These data allow us to clarify the statement that "the Turkic people in line with adoption of Islam also adopted the Hanafi law."

Legislation of any country is an inseparable part of the national heritage, in a sense is a product of tradition, heritage of ancestors and a way of expressing of a given society. It is impossible to imagine the law of Maverannahr apart from sharia or Islamic law. Maverannahr jurists while referring to the works on Islamic law created earlier, made a significant contribution to doctrinal design and development of Shariah. They came to forefront as the scholars of Islamic law famous throughout the Islamic world – the commentators of the Qur'an, collectors of Hadis, fakih and muhaddith. Their works had a significant influence to development of the Islamic culture and law.

For more than ten centuries legal consciousness of the people of Uzbekistan and throughout Central Asia was primarily determined by the norms and traditions of Shariah and adat. Sharia acted not only as a religious system, but also was a complex of institutions including social and spiritual life of society and have a profound impact on historical and legal traditions, moral views of people and their way of life. Social life has not created for the Muslims other rules than the religious rules integral part of which was the Sharia.

The legal system of Maverannahr was based on the principles and provisions of the Sharia. Similarly to all Muslim countries of the Middle Ages, in Central Asia civil, contract, land,

marriage and family, inheritance relations were governed by the Hanafi direction of Islamic law. Criminal cases and legal proceedings were conducted based upon the same norms. In addition, the Shariah has incorporated many of the provisions of local customary law, i.e. the traditional setting of the Central Asian nations that have the generalized Arabic name of "adapt."

Starting from the tenth century in Maverannahr mainly in big cities were established madrassas, Islamic schools for the training of lawyers and preachers, i.e. theological and legal education institutions teaching Sharia.

Maverannahr gave to the Muslim world extensive theological and legal literature. Only the Bukhara madrasa in 1843 accounted for more than 103 manuals of the Islamic law, which indicates on origin and spread of the unique Maverannahs Sharia school of law.

Application of Sharia in real life is possible only at its legal development, systematization and clarification by the Muslim faqih. Works of the Maverannahr jurists had not only local importance, but also general Muslim, became widely known in all Muslim countries. "We can say without exaggeration that Central Asia has given to the Muslim world the latest edition of Sharia." Maverannahr jurists have played a crucial role in revival and development of Hanafi centers in Syria, Egypt and Asia Minor, creation of the most authoritative books of Sharia which are also followed currently Sunni Muslims of the world – such as "Hidāya" written in Margilan, "Akaid" – in Bukhara, "Hikmat-ul-'ayn" – in Samarkand, Fakhriddin Hasan bin Mahmūd from Ferghana and Ubaidullah-bin Mahsud from Bukhara wrote papers "Kazyhan" and "Mukhtasar" respectively which were translated from Arabic into other languages and reprinted in various places.

Among the most popular and famous legal proceedings of jurists in the Maverannahr can be distinguished "Fasoul-i-Ist-Ravshani", "Fasoul-ul-Inari", "Baḥr-ar-Raiḥ", "Jāmi'-ur-Rumūz," "Tagzib-ul-Fakhri" and others. The authors of these works have been the unquestioned authority in interpretation of Sharia norms

and enjoyed wide popularity in the whole Muslim world. Therefore, their opinion has had a mandatory power on a resolution of specific legal disputes. Agreed or unanimous consensus of the Muslim jurists called *Ijma* and was the third most important source of Sharia after Quran and Sunnah.

In their writings, Muslim jurists have sought to adapt to some extent the separate legal norms to local conditions. To resolve a specific issue on the basis of Sharia, judges usually addressed not to the Quran or Sunnah, but one of those books or collections, which were considered in the state as authority. Judges and other religious clerks who applied Sharia in solving specific legal matters had to refer to the particular books or collections, and not to the primary sources of Islamic law. In this sense, works of the Muslim jurists were some kind of source of law.

Thus, scientists of Maverannahr made great contributions to the development of various Islamic disciplines such as Sharia, wrote works that gained a worldwide popularity. Many libraries of the world contain the manuscripts of Maverannahs jurists in *fiqh*, *uṣūl al-Din*, the *hadith* written back in the IX–XII centuries. Part of these works is reflected in the directories of Brockelmann C., Rio, Kitab, Celebi, the other part is presented in the manuscript collections and libraries of the world.

Maverannahr was one of the main centers which designed and developed Hanafi mazhhab of law. Hanafi mazhhab of law is one of the four Sunni schools of Islam. Yaḳqūb Abū Yūsuf (died in 795) of Kufa and Muḥammad bin al-Ḥasan al-Shaybānī (died 805), disciples of a founder of this school of thought, famous faqih Abū Ḥanifa (698–767), played a significant role in design, development and spread of Hanifism that arose in Iran.

Hanafi school of law was widely spread in many parts of the Arab Caliphate, including Maverannahr. This is explained by such specific features of the mazhab as flexibility, liberalism, wide use of local customary law (*adat*, *urf*). Only faqih, expert of the sacred religious law, could publicly speak out about the actions of the authorities, to judge about the compliance of local customs and

traditions to the ideals and norms of Islam, to make judgement that issued in the form of a fatwa. When making a decision, jurists were independent of the authorities, which often led to their persecution by the latter. Fakih who enjoyed respect in his community was addressed by the residents of the region regarding to various issues of life, work, personal and social life. Fakih tried to keep up with life. Provisions of the Hanafi school of law allowed for changing outdated solutions based on changes in the human lives. Maverannahs faqih took credit for fixing the local customs, traditions and legal systems in the Hanafi school of thought.

Scientists of Maverannah during XI-XIII centuries made up of more than 300 works on fiqh, which occupy an important place in the history of world of religious and legal thought. They are important in two respects:

First, make a separate stage in the scientific development of Hanafi mazhab in overall Muslim scale;

Second, reflect characteristics of the regional form of Islam in Central Asia.

However, a study of the legal heritage of the fiqh school of Maverannah is in infant stage. Several works on the Islamic theology (kalam, akaid) methodology of the Islamic law ("Uṣūl al-fiqh") have been published. Most works on the practical part of law ("furū' al-fiqh") remain in manuscript. In such situation, a rigorous study of the heritage of the Hanafi fiqh becomes an urgent task.

Study of works of such a prominent scientist as Majd al-dīn Abū al-Faṭḥ Muḥammad bin Maḥmūd bin al-Ḥusayn bin Aḥmad al-dīn al-Ustrūshānī, author of many outstanding works, a follower of great faqih Burhān al-dīn al-Margīnānī is of a double importance. On the one hand, his life and works fall on a last period of flourishing of the Samarkand school of fiqh interrupted by the Mongol conquest. On the other hand, his creative activity continued during the Mongol period, about which in science there are still conflicting opinions. It was during this period when in the life of Muslim community upheavals occurred which are still

unknown to science. To clarify some aspects of these issues a valuable material provided in the works of Majd al-din al-Ustrūshanī, who lived during these two distinctive periods.

In Uzbekistan recently there has been a great interest in the teachings of Hanafi mazhab and contribution of Maverannahr scholars to the development of theological and legal school of Islam. Under the framework of studying the Maverannahr school of fiqh the following questions become relevant:

First, degree of interaction of Islamic and national elements;

Second, how absorbed the old religious experience of the local population;

Thirdly, whether it will be able to resist to the process of politicization of religion, whether it contains the features of non-political religious ideology;

Fourth, is there any point in reanimation of the medieval doctrine, whether it will be able to resist to penetration of foreign studies under the banner of fundamentalism and reformation?

To our opinion, study of activities and works of such an outstanding faqih as Majd al-Din al-Ustrūshanī provides positive answers to these questions.

Abū al-Faṭḥ Muḥammad bin Maḥmūd bin al-Ḥusayn bin Ahmad al-Ustrūshanī came from Ustrūshana, lived at the late XII and early XIII centuries in Maverannahr. Major part of the life of Maḥmūd al-Ustrūshanī passed in Samarkand. His life coincided in time with the final period of the Samarkand school of fiqh and the start of the Mongols conquest of Samarkand. At the time, his fans and contemporaries called him "Jalāl ad-dīn" – "The greatness of the Islamic faith and religion." Value and historical significance of his scientific legacy is defined not only by a fact that he attempted to resolve the most pressing and not researched before him religious problems of the time, but also by a fact that he provided a fair, coherent, historically justified and life-backed characteristic to all issues he touched.

The formation and development of Islamic jurisprudence did not touch upon just theoretical issues, but also issues like how to

apply the codes and laws. His works served as guidelines of how and in what angles should be interpreted this or that disputed case, how to hold assize, as well as how to achieve a fair solution for both parties. He earned respect by the fact that a solution of various issues proposed by him did not cause any disputes or misunderstandings of the Muslim community. His works clearly and specifically provide an understanding on the basis of everyday examples of such rights and obligations as personal rights, responsibility for violations, civil rights, heritage rights, economic and rights to property, family law, procedural law, etc.

A scientist is briefly praised in the extant manuscripts and they mainly refer to his works. It is also reported about Muḥammad bin Maḥmūd al-Ustrūshanī in the works from the series of *tabaqat* limited and sometimes repetitive information. Authors such as ‘Abdulqādir bin Abī-l-Wafā’ al-Qurashī (d. 775/1373), Mustafā ‘Abdullah Ḥajjī Xalīfa (d. 1067/1657), ‘Abdulḥay al-Laknavī (d. 1304/1886), and Khayr ad-dīn az-Zirīklī mentioning al-Ustrūshanī give a short list of his works. Their information in many cases looks quite similar.

A. Muminov was one of the modern scholars in the Uzbek Islamic studies who first informed of Muḥammad bin Maḥmūd al-Ustrūshanī and his works. Sh.S. Kamaliddinov in his Candidate degree dissertation “*Kitāb al-ansāb*” Abū Sa’d ‘Abd al-Karīm bin Muḥammad bin Maṣṣūr al-Tamīmī al-Sam’ānī as a source on history and cultural history of Central Asia” gives information about the Ustrushan region and some Ustrūshans. But Muḥammad bin Maḥmūd al-Ustrūshanī lived in the late XII – the first half of the XIII century and that is why he was not mentioned in the “*Kitāb al-ansāb*” as-Sam’ānī.

Another found work by al-Ustrūshanī is the essay “*al-As’ila wa-l-ajwiba*” (“Questions and answers”), which was kept at the Institute of Oriental Studies named after Abu Rayhan Beruni of the Academy of Sciences of Uzbekistan (hereinafter IOAS). This piece of work has still not been recorded in the works

of the *tabaqat* genre and has not attracted the attention of modern researchers.

As M.R. Atayev correctly pointed out, existing sources and studies provide evidence that Muḥammad bin Maḥmūd al-Ustrūshanī died in 632/1234–1235, but the year of his birth was not mentioned. The following is written in the final part of a newly discovered works of the scientist “*As’ila wa-l-ajwiba*”: “... But the days have turned away from me like a sixty-year-old limping woman, pulling her shawl. ... The next morning after finishing the book lit up the afternoon of the day of the sixth month of zu al-kada in 637 of Hijra.” Hence it is clear from this data that the scientist was still alive in 637/1240, he was 60 years old. Therefore, al-Ustrūshanī did not die in 632/1234–1235, as indicated in other available sources. If the scientist finished this work on May 28, 637/1240 at the age of 60, then one can determine his birth year as 577/1182. But the year of scientist’s death still remains unclear. M.R. Atayev comes to such a conclusion.

It should be noted that the family environment has played a large role in formation of thinking and scientific views of al-Ustrūshanī. There is every reason to believe that he was the successor of the faqih dynasty since his father Maḥmūd once had an honorable nickname *Jalāl al-dīn* (the greatness of religion), and his uncle, Aḥmad bin al-Ḥusayn al-Ustrūshanī was called *Burhān ad-dīn* (document of religion). There is also evidence that his maternal grandfather was called “*Shams al-a’imma*” (the Sun of Imams), and maternal uncle Muḥammad bin Aḥmad had the nickname “*Shams ad-dīn*” (the Sun of Religion). As pointed out by M.R. Atayev, Muḥammad bin Maḥmūd al-Ustrūshanī was a mufti and was considered to be one of the *muztahids* of his era.

Scientific contribution to the development of Islamic law by Ustrūshanī was determined by a fact that the scientist tried to answer many public, interpersonal, social and legal issues of the contemporary period from the angle of logic and the observance of rights of all parties involved. His known works are “*Kitāb al-fuṣūl*”, “*Jāmi’ aḥkām al-ṣiḡhār*”, “*Qurrat al-aynayn fī Iṣlāh*

al-Dāryn", "al-Fatāwā", "al-Qurūḍ wa-d-duyūn", "al-As'ila wa-l-ajwiba" and others.

The second work of Majduddīn al-Ustrūshanī is called "Jāmi' aḥkām al-ṣighār" ("Law on minor children"). He finished the work on 28 July, 625/1228. The work "Jāmi' aḥkām al-ṣighār" is considered to be the largest and most significant works on fiqh. It is necessary to emphasize the fact that this treatise is on the rights of children in Islamic jurisprudence. The treatise was written in 1228 and is the most significant and important work of al-Ustrūshanī. It contains about one hundred laws and precepts that define the rights of children and minors. The treatise is a unique work of the Middle Ages, which encompasses many aspects of the real life of society and its relation to minors.

Since the "Jāmi' aḥkām al-ṣighār" is a valuable source of the Islamic jurisprudence, his many manuscript copies are spread around the world. This work was first published with modern print in the Republic of Iraq in 1982 by professor 'Abd al-Ḥamīd 'Abd al-Khāliq al-Bayzālī. Four copies were used, which remain under a number 1704 in the Library of Princeton University, USA, 1/9626 in a Baghdad library "The National Museum of Iraq", 3741/1 and 7460/1 at the "Central Library of Waqfs" in Baghdad and the manuscript number 9/7 at the "Central Library of Waqfs" in Mosul, Iraq.

The second edition of this work in two volumes is prepared by Professor Abū Muṣ'ab al-Badrī and "al-Azhar" university professor Maḥmūd 'Abd al-Raḥmān 'Abd al-Mun'im in the Egyptian capital Cairo. In this issue, researchers have made great use of the manuscript by the number 901 in the Egyptian library "Dār al-Kutub" and microfilm by the number 9334, and the first edition of this work.

There are 11 manuscript copies of "Jāmi' aḥkām al-ṣighār," six of them are stored in the funds of libraries in other countries and five – in the assets of manuscripts in Tashkent.

Comparing the second edition of "Jāmi' aḥkām al-ṣighār" prepared in Egypt with manuscript copies stored in Tashkent,

M.R. Atayev has found errors at copying of most of the sentences and phrases in Farsi and serious errors in the instructions of the chapters of the book and a brief background of the faqih.

A major part of the work “Jāmi’ aḥkām al-ṣiḡhār” is dedicated to the social, economic and legal issues, and a minor part to the upbringing and Ibodat. In this work created on the basis of Islamic jurisprudence the problems that arise in children’s rights are resolved justly. Apart from this, thousands of issues ensuring child safety and privacy rights have been discussed. Numerous arguments and instructions to law enforcement agencies are given in the present work. Having embodied the most important and sophisticated systems of Islamic law, this work is one of the preferred sources which has proven its indispensability for eight centuries. Deep and thorough study of this work provides a comprehensive view on a history of the religious legal system of our region.

The study of scientific works of Maḥmūd al-Ustrūshani, which began just after independence, pleases with its results. Research on a creation of the critical text on one of the works of Muḥammad bin Maḥmūd al-Ustrūshani “Jāmi’ aḥkām al-ṣiḡhār” (“Law on minor children”) was started over ten years ago by a young talented scientist M.R. Atayev. A young scientist of the Tashkent Islamic University had the courage to get to work on a creation of critical text of the source. This work required the academic rigor and integrity, loyalty and perseverance, patience and high efficiency. Therefore, it is pleasant to acknowledge that the work has come to a close and critical text of the treatise taken on the basis of all known lists of manuscripts has been prepared.

It is necessary to mention the fact that this work is dedicated to children’s rights in fiqh, i.e. Islamic jurisprudence. This work was written in 1228. The treatise is the most weighty and important work which discusses the rights of children and minors. It contains about one hundred laws and precepts that define the rights of children and minors. This book is a unique work of the Middle Ages which encompasses many aspects of the real life of

society and attitude of society regarding children and minors. Therefore, the research and study of the treatise in the Islamic jurisprudence and law in terms of history, legal science, the status of minors in Islamic society, identifying a special relationship with the children on a global scale is scientifically interesting and unique.

While preparing the critical text M.R. Atayev attracted the lists from funds and libraries of Iraq, Princeton University, USA, Egypt and Tashkent that increases the scientific level of the given publication. The book created a detailed scientific apparatus which allows to consider all possible discrepancies on the lists.

The publication of the treatise Muḥammad bin Maḥmūd al-Ustrūshānī “Jāmi’ aḥkām al-ṣighār” with comments, notes, research and translation of this treatise in Uzbek is an important event in the Islamic studies of Uzbekistan, in particular for the following reasons.

What is the value of the publication of this work of al-Ustrūshānī? It consists of the following points.

First, this edition introduces another name of the Muslim scholar and faqih and theologian, a native of Uzbekistan, since the work contains an original and detailed scientific analysis on the life and works of legacy of Muḥammad bin Maḥmūd al-Ustrūshānī.

The work of al-Ustrashani “Jāmi’ aḥkām al-ṣighār” can be correctly considered as one of the first sources of the Middle Ages, which addressed the rights of children. It is noteworthy the fact that even in the Muslim tradition we do not find another similar tract after Muḥammad bin Maḥmūd al-Ustrūshānī which is devoted to the rights of child. It is so far the only such treatise in the world, which has reached our days.

The book “Jāmi’ aḥkām al-ṣighār” (“Law on minor children”) consists of 1280 fatwa, i.e. vaults or articles which can be divided according to the ethical, social, legal, and economic topics. The formulation of some questions which are relevant to contemporary person are interesting, namely – “Should you consider a human

embryo as a person?" "Since when does the life of an embryo start?" and etc.

In his work, Muḥammad bin Maḥmūd al-Ustrūshani emphasizes that the embryo is a human basis and cannot be divided from the man who was born and that child from birth to his full age is especially in need of love and compassion and the help of their loved ones. The author raises this postulate to Shariat requirements and standards to be followed by every Muslim.

Second, publication of al-Ustrūshani's work on the rights of child introduces into scientific use the work on medieval Islamic jurisprudence and law to the academic which is unique in the sense that this treatise is on the rights of the child and minors. It is known through world practice that the first historically extant scientific papers on various social problems of children and minors date back to 1923, when the English scholar Eglantine Jebb created her council to help children. Then, in 1959, the Declaration on the Child Rights and in 1989 Convention on the Rights of the Child are signed.

Third, the publication of this work allows to realize a scientific view of development and establishment of the Islamic law, particularly in the field of children's rights. The data presented in the manuscripts helped to create a historical perspective of implementation, coverage and interpretation of various legal codes.

Fourth, publication of this work is important to the overall cultural aspects with human and social interests as it is a legacy of the global order, common cultural values and allows to discover the essence of Islamic law more thoroughly.

Fifth, one of the aspects of deepening and development of the state independence of Uzbekistan along with full-fledged entry of our nation in the historically proven, truly humanistic and democratic legal ideas and procedures of a modern lifestyle is a revival of spiritual values of Islam, rule of law and democratic principles of Shariat and greatly increased interest of elaborate

traditions and stereotypes of the Islamic legal awareness among the public.

Sixth, life persistently demands, in particular from legal scholars, to finding the concept, designs, historically proven and adequately reflected peculiarities of the legal world-view, the legal consciousness and experience of people in the region on the traditional spread of Islam to somehow attract their interest in legal issues and reveal their capacity for lawmaking in general. For legal mankurtism is not only the cause of passivity of legal consciousness of our people but also in many ways just irritates them, prevents the transition to normal life and work in accordance with current legal regulations.

Thus, “Jāmi’ aḥkām al-ṣiḡhār” al-Ustrūshanī gains a great interest not only among lawyers, oriental scholars and historians, but also for those who seek to understand the Oriental reality. Meanwhile, it is quite difficult to master. First of all, it is a language barrier. “Jāmi’ aḥkām al-ṣiḡhār” is written in Arabic. But such books are rare. Even in those cases when there are books and manuscripts they are scattered in libraries around the world.

This reprinted publication will help all students studying the Orient, in particular, to students and teachers, professionals as an important guide for documentary work on a history of state and law, Shariat, Islamic law, and overall on the history and culture of Maverennahr.

We express deep gratitude to all those who participated in reprinting of this fundamental monument of the Islamic law.