

# Institutional Analysis of The Relationship Between the Religious Elite and Political Authority in The Bukhara Emirate Within the Framework Of

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**Received:** 25 April 2025; **Accepted:** 21 May 2025; **Published:** 23 June 2025

**Abstract:** This article examines the judicial system of the Bukhara Emirate during the reign of the Manghit dynasty (1756–1920) as an important component of public administration. Particular attention is paid to the structure of the courts, the mechanisms of their functioning, as well as issues of criminal law and punishment. The role of Sharia norms in the judicial practice of the emirate and their interaction with political reforms and socio-economic transformations of that time are analyzed. The study emphasizes the importance of religious and legal institutions in strengthening power and governing society.

**Keywords:** Judicial system, Kazakh, chairman, Sharia, taxes, fatwas, mufti, religious figures.

**Introduction:** The journey our country has taken during the years of independence fundamental analysis of the path of development, currently the court on developing the independence of government reforms, the world market situation has changed dramatically, Ensuring the true independence of the judiciary, aimed at increasing the legal literacy of the population The beginning of a completely new stage is a vital necessity President of the Republic of Uzbekistan By Sh.M.Mirziyoyev on October 21, 2016 adopted Resolution No. PF-4850 "On further strengthening the judicial system" reform, secure the rights and freedoms of citizens measures to strengthen protection guarantees "On the literal independence of judges and they only follow legal norms regarding obedience to the law created the basis for its full realization in practice. In addition, "Further development of the Republic of Uzbekistan" "On the Strategy of Actions on" and "In 2017-2021, approved by this Decree Five priorities for the development of the Republic of Uzbekistan The Action Strategy for the direction of "Working with the People" regarding the implementation of the "Year of Dialogue and Human Interests" The state program includes the true independence of judges ensuring, increasing the authority of the court, strengthening the judicial

system A number of measures were envisaged for democratization and improvement. The implementation of the judicial system in our country The wide-ranging reforms that have been implemented ensure human rights and freedoms and ensure the impartiality of the judiciary in politics. The greatness of the state is reflected in our politics. The rule of the Mangids in Bukhara, considered the center of the Islamic world, covers the years 1756-1920 [2, C.450], and the role of the court in the state system is of particular importance in studying the history of the statehood of the Bukhara Emirate. In the system of state administration of the Bukhara Emirate, judicial bodies and the practice of the qazi occupied an important institutional place. This system, formed on the basis of the principles of Islamic law - Sharia, served not only as a means of adjudicating justice, but also as a means of harmonizing religious ideology with political power. Qazis, muftis and other religious jurists not only conducted legal proceedings, but also emerged as an important social group ensuring moral order and religious discipline in society. In all spheres of life of our society, national in socio-legal and spiritual directions understanding our identity, studying the history of our statehood, to research related to shedding light on the rich scientific and creative lives of our statesmen and

thinkers Great attention has been paid to it during the years of our independence.

## METHODOLOGY

The era of the Bukhara Emirate There is also a certain amount of impartial and objective study Research is being carried out. Russian, Western and local researchers have conducted research in this area taking into account historical, legal and sociological aspects. In the fundamental work "Описание Бухарского ханства"[3] published in 1843 by Khanykov N. V., judicial practice in Bukhara is analyzed in detail. The researcher noted that the judges issued decisions not only based on the norms of Sharia, but also on the direct instructions of the political authorities. This shows that, despite the religious and legal independence of the position of judge, in practice it was not free from the influence of political authorities. The complex relationship between political authorities and the religious elite in Central Asia is also thoroughly covered in the fundamental research of A. von Kugelgen, published in English and Russian. In particular, his monograph "The Legitimization of the Central Asian Mangit Dynasty in the Works of Their Historians" ( 2004)[ 4] and the Russian edition of this work examine the religious-legitimistic policy of the Mangit dynasty. The author analyzes the strategies of the Bukhara emirs, in particular Amir Shahmurod, aimed at strengthening their political power on religious grounds. According to him, fatwas issued by qazis and muftis served as an important tool not only in religious matters, but also in legitimizing the emir's power. Also, in the article by Klichev O. (2020) known as "Scholarships of Emirs of Bukhara" [6], the policy of financial support of religious scholars by the Bukhara emirs is analyzed. This article examines the practice of financial incentives as a means of integrating scientific scholars into state policy. Boboyev H. and Khidirov Z. " History of Uzbek statehood" (II book, 2009) [3] emphasizes the reforms during the reign of Amir Shahmurad, including changes in the judicial system. Z. Muqimov 's historical-biographical collection "The Owners of the Sword and the Pen " (1997) [ 10] sheds light on the personality of Amir Shahmurad and his activities as a reformer. This shows the extent to which the religious elite was connected to the political system and the extent to which religious and legal institutions served the interests of the state. A. Kholikulov (2022 )" Bukhara in the emirate official reception ceremonies about separate comments " [18] In the article we get information about the participation of religious representatives in official diplomatic receptions and ceremonies, their role in political life. The judicial system in the Bukhara emirate had the same appearance as in other khanates in Central Asia. In

particular, judicial proceedings in the emirate were conducted on the basis of Sharia, and included judges and scholars. They were appointed by the emir, and the judicial activity was supervised by the qazi kalon [9, C.27]. In studying the history of statehood of the Bukhara emirate, it is important to study in detail its judicial system, procedure, and issues related to crime and punishment. The judicial system in the Bukhara emirate had the same appearance as in other khanates in Central Asia. Judicial proceedings in the Bukhara emirate were conducted on the basis of Sharia, and consisted of judges and scholars. Each of them was appointed by the emir, and the judicial activity was supervised by the qazi kalon [9, C.27]. Although the judicial system was in the hands of the state administrative apparatus, it was under the control of the scholars of jurisprudence. The fact that religious scholars controlled the judicial activity in the state shows how important they were in state governance. There was a court of justice in the emirate, headed by a qazi ul-quzzat. Mirzas and officials worked in it [19, C.58]. Qazi ul-quzzat, in turn, was the chief judge of the city of Bukhara. Mirzas were the administrators of the court of justice, and officials were engaged in activities such as conducting inquiries [19, C.58]. Devani ulama was an office that supported and advised the qazi's activities. Muftis and scholars worked in this office. According to Trikhnavis sources, a council of 12 muftis functioned in this office [ 16, C. 17]. Local qazi office - in all bekliks, these offices were headed by qazis appointed directly by the emir. Muftis and officials also served in this office. Unlike the qazi court, officials in the local qazi office ensured the execution of qazis' rulings and decisions. [19, C.59]. Qazis operated independently of local governors and to a certain extent exercised control over the activities of the governorship [16, C.173]. Qazi askar was a judge directly subordinate to the qazi court, who tried military crimes committed by military personnel in service, during battles or other conflicts. Some sources also say that such cases were resolved by the naqib. [15, C.140]. A number of rulers of the Bukhara emirate implemented reforms in the judicial sphere, one of which was Amir Shahmurad. As a ruler, the first emir of the Uzbek Mang'it dynasty in Bukhara, known in history as Amir Shahmurad, was Amir Ma'sum al-Ma'ruf, Ibn Daniyalbiy's paternal uncle Shahmuradbiy (1785-1800) [9,C.131]. Since Amir Shahmurad came to the throne at a time when the movement of the people oppressed by taxes was intensifying, he began his first reform by regulating taxes. He issued a tarkhan to the entire population of Bukhara and managed to abolish a number of taxes, such as yorg'u, buz, tarkh, tushmol, yasak, which were introduced by previous rulers and did not comply with the Sharia. Amir Shahmurad's

comprehensive ingenuity, rational governance of the state, the rule of law obedience to them, and knowledge and enlightenment Considering his qualities as a supporter of science, historians have attributed him He was described as a supporter of enlightenment. Shahmurod was a statesman. The influence of Sufism is very strong in its formation as He was a disciple of Sheikh Safar, and this is especially important. He respected the scholars. established their teachings. The historian Mulla Alim Makhdum Haji in his work "History of Turkestan" describes "Shakhmuradbiy as a Sufi, a follower of the path of approaching God (dohuli leuk) and a progressive, a propagator of the prophet's law, whose food was halal in his profession [ 8,C. 110], - as a characteristic. One of the Russian scholars, N. P. Ostroumov, also highly evaluates the activities of Shahmuradbiy: "He received from the treasury only as much as was paid for his services according to the Sharia, which was forty kopecks a day in Russian money of that time [12, C.17 ]. One of the first rulers of the Ma'sum Mang'it dynasty, Daniyalbiy, was the eldest of the 12 sons of the family, and although the chief judge advised him to deprive him of power, he was appointed heir to the throne of Bukhara and ascended the throne as emir in 1785 after the death of his father [7, C.62]. Some of Shah Murad's reforms are presented in the work "Majma al-arqam" (On Figures and Rukhums, Politics) written by Mirza Bodi Devon in 1789. At the beginning of his reign, Shah Murad paid special attention to strict adherence to the rules of Sharia. In addition, he restored the service of the muhtasib-rai, which we saw earlier, that is, measures related to the violation of justice in the markets, observance of moral norms in the streets. Among the reforming rulers, his reform of the judicial system is especially noteworthy. There is a paragraph about this in the book "History of Uzbekistan": "Every Muslim, even a slave, was given the right to come to the judge with his complaint and hold his master accountable if he did something illegal" [20, C.688]. The introduction of such a rule was a big step not only for the Bukhara Emirate of that time, but also for the positive development of justice in the Turkestan states. According to sources, Shahmurod himself directly supervised the work of the judicial panel in the emirate. A special set of judicial laws was developed to conduct judicial proceedings, and all regional, district, beklik, and judges worked on the basis of this set of laws [7, C.288]. In general, the reforms carried out by Amir Shahmurod served to strengthen the central government in the country and ensure its rise. The Bukhara Emirate had a special importance in the judicial system. At the top of all courts stood the supreme judge-qazikalon. Since the time of Emir Muzaffar, all legal norms in the emirate were resolved by qazis. All civil, economic and criminal

cases were considered on the basis of the Quran and punishments were imposed. Qazis were appointed by qazikalon at the will of the emir. Sharia administration was in the hands of qazis. Qazikalon was the chief qazi of the capital of the emirate, as well as the head of the chief qazis in the state [9, C.288 ] . The following main requirements were set for a qazi in the Bukhara emirate: to be a Muslim male, free, of legal age, married, without physical disabilities, to have perfect knowledge of jurisprudence, to have life experience, to know the Arabic language and not to be a notorious citizen. According to Sadriddin Ayni, only graduates of 19 years of education in Bukhara madrasas could meet such requirements [1, C.138-141]. In cases of necessity, the qazi appointed one or more deputies from among citizens who met the requirements for the qazi. Women were not appointed to the position of qazi. The qazi had the right to impose penalties such as fines, imprisonment, and beatings on a specific case, and the issue of imposing the death penalty or pardoning persons who committed serious crimes (murder, assault, robbery) was decided directly by the emir. Although the death sentence was drawn up by the qazi, the emir only confirmed or rejected it [24, C.62].

## RESULTS

One of the important aspects observed in the judicial system of the Bukhara Emirate is that legal proceedings were usually carried out on a fee- based basis, with judges considering each claim for a fixed fee. Although court sessions were often held in public places, in particular mosques, judges sometimes conducted cases in their own homes. This situation was especially convenient for analyzing claims and negotiating between the parties. [6, C.77 ] In the Bukhara Emirate state system, the practice of citizens addressing the head of state was formed on a traditional legal basis, and it played an important role as a means of communication between the administration and society. The procedure for receiving applications and complaints was strictly planned and was carried out twice a week on specially designated days. Applications were submitted in two main forms: the first was the procedure for submitting public applications, during which public receptions were organized for citizens in the palace. These receptions were announced to the public several hours in advance, which allowed all social strata to address the head of state. The second form provided for the possibility of direct individual appeal, in which the claimants had the right to directly address the emir with personal complaints or suggestions while he was leaving the palace [18, C.24]. In the administrative system of the Bukhara emirate, the process of considering applications and appeals was carried out on the basis of a certain formal and

ceremonial procedure. The emir usually considered applications and complaints from citizens personally in the central area of the Ark Palace - inside the Bukhara Ark. In some cases, this process was carried out during public gatherings in front of the palace minaret [6, C.32]. It is known from history that the teachings of proof in Islamic law were analyzed in a comparative manner and studied in detail. In the Bukhara emirate, the following were considered the main forms of proof: 1) admission of guilt; 2) witness testimony; 3) oath; 4) written evidence [2, C.205]. A witness was required to give his testimony based only on what he knew or saw. Telling what he heard from someone else during the trial was not legally recognized as "testimony" [10, C.63]. In the Bukhara emirate, there were strict regulatory restrictions on the institution of testimony in the conduct of legal proceedings. In particular, the following categories of persons were deprived of the right to participate in court sessions as witnesses: minors, persons in slavery, non-Muslims (non-Muslims), known as slanderers or instigators, persons convicted of perjury, those who abused oaths (swearers), criminals who had previously been punished, and persons who had close family ties with the defendant. [10, C.105]. The implementation of speedy judicial proceedings was considered the most correct sign of the court. Those dissatisfied with the decision of the judge had the right to file a new application with the qazikalon or the emir. The qazikalon could overturn the verdict issued by the qazi, and only the emir could overturn the decision issued by the qazi [19, C.202]. The judicial system of the Bukhara emirate was distinguished by the use of harsher punitive measures than those of other Muslim states of its time. In particular, individuals who committed theft and other serious crimes were publicly thrown from a minaret, and another form of punishment was the practice of throwing criminals into prison or prison camps. This penal system, based on the norms of Sharia, reflects an uncompromising attitude towards crime and a strict approach to maintaining social order. [20, C.98].

## CONCLUSION

During the reign of the Mangid dynasty, the Bukhara Emirate experienced significant improvements in socio-economic and cultural life, especially during the reign of Emir Shah Murad, the consistent formation and strengthening of state administration was one of the important historical stages. This period left a significant mark on the development of statehood principles through the formation of the judiciary and its current activities. Today, the analysis of these experiences is of significant scientific and practical importance in efforts to establish a modern independent judicial system

based on historical heritage. Therefore, the study of historical judicial institutions is becoming not only a matter of scientific interest for young researchers, but also an urgent task.

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