

Book Giwen for Mahr

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Abstract: The article focuses on the sharia-jurisprudence aspects of accepting the book "Badā'i' al-ṣanā'i' fī tartīb al-sharā'i'" written by Imām Abū Bakr al-Kāsānī as a dowry in the marriage ceremony of Fāṭima bint 'Alā' al-Dīn Samarkandī (Fāṭima Samarqandiya). The available evidence on the principles of Nikah and Mahr in Sharia is approached from the point of view of scientific research. In this, the Islamic religion relies on the ideas and views of world civilization along with Sharia laws.

The opinions expressed in the article are formulated in accordance with the requirements of the methodological principles and traditional methods of the Hanafī faith. Opinions on marriage and dowry are observed on the basis of modern standards based on the book "Badā'i' al-ṣanā'i' fī tartīb al-sharā'i'" written by the jurist of Samarkand Abū Bakr al-Kāsānī and based on the fiqh rules and legal arguments introduced in Central Asia in general, in particular in our Republic.

Key words: Badā'i', al-Ṣanā'i', Kāsān, marriage, mahr, fard, wajib, sunnah, sunnat second, wakil, witness, Muslim community, evidence, consensus, qiyas, istehsan, asl, usul, furu', permissible, rational way of thinking, Islam, faith, sharia, benefit, obligation.

INTRODUCTION

Abū Bakr ibn Mas'ūd ibn 'Aḥmad al-Kāsānī (r.h), who became famous with such titles as Malik al-ulama², Sultan al-ulama (sultan of scholars)³, and 'Alā' al-Dīn (glorifier of religion)⁴, was one of the great teachers of the Samarkand school of jurisprudence, 'Alā' al-Dīn Muḥammad ibn Abū 'Aḥmad Samarkandī (d. 539/1191)⁵ is a strong scholar from Mā Warā' al-Nahr who studied under him and became a scholar of Sharia.

"During his student years, he memorized his teacher's works such as "Tuḥfat al-fuqahā'", "Sharḥ Ta'wīlāt fī Tafsīr al-Qur'ān al-'Aẓīm" and became a mature scholar of usul and furu' sciences."

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In "Jawāhir al-muḍīyah" by 'Abd al-Qādir Qurashī⁸, in "Fawā'id al-bahīyah" of Laknawī, it is stated that Abū Bakr al-Kāsānī studied in Bukhara under Abū al-Yusr Bazdawī, Abū al-Mu'īn Nasafī and Majd al-Aimma Surhakati. These ulama are also the followers of 'Alā' al-Dīn Samarkandī.

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² Ibn al-'Adīm. Bughyat al-ṭalab. – V: X. – P. 43.

³ Zirikliy. A'lom. – V: 2. – P. 70; 'Umar Riḍā Kaḥḥālah. Mu'jam al-mu'allifin tarojim al-musannifin al-kutub al-arabiyya. – Beirut: Dor kutub al-ilmiya, 1992. (After then: Kaḥḥālah. Mu'jam al-mu'allifin.) – V: 3. – P. 75.

⁴ Ṭāshkubrī Zādah. Miftāḥ al-sa'ādah. – V: II. – P. 273-74.

⁵ Qarang: M.M. Komilov. Movarounnahr fiqh ilmi rivojida Alouddin as-Samarqandiyning o'rni va "Tuḥfa al-Fuqaho" asarining ahamiyati, nom.diss... Toshkent 2000. (After then: M.Komilov. dissertatsiya.) – P. 62.

⁶ There are two main directions of jurisprudence. It is also known as "Usulul-fiqh" and "Furu'ul-fiqh". "Usulul-fiqh" is the rules defining the ways of deriving rulings from the main sources (Qur'ān and hadiths). "Furu'ul-fiqh" is a complex of practical rulings extracted from the main sources through the rules and methods defined in usul-fiqh, and forms branches or fields of the science of fiqh. To put it more simply, usul is a set of rules, and furu is a set of legal issues resolved on the basis of these rules.

⁷ Ibn al-'Adīm. Bughyat al-ṭalab. – V: X. – P. 42.



"Abū Bakr al-Kāsānī studied hadith in Bukhara and later in the lands of Syria from the great muḥaddiths of his time, and later taught hadith to students in the lands of Syria for many years."⁹

Abū Bakr al-Kāsānī commented on his teacher's book on jurisprudence called "Tuḥfat al-fuqahā" and wrote a large-scale work called "Badā'i' al-ṣanā'i' fī tartīb al-sharā'i'" (Fine arts in arranging the laws of Sharia) and presented it to his teacher. This work becomes one of the most important sources of jurisprudence. In this regard, Hafiz 'Abd al-Qādir Qurashi in his work "Jawāhir al-muḍīyah" describes al-Kāsānī as "the author of the great work "Badā'i'".¹⁰ Ḥājji Khalīfa in his work entitled "Kashf az-Zunun": "A great three-volume commentary on the book "Tuḥfat al-fuqahā" by Imām Abū Bakr ibn Mas'ūd al-Kāsānī was completed and he called it "Badā'i' al-ṣanā'i' fī tartīb al-sharā'i'" (The Laws of Sharia). called fine arts in sorting). "In fact, the name of this book is similar to the appearance"¹¹, he admits.

Sheikh Muḥammad Ṣādiq Muḥammad Yūsuf (r.h) also evaluated the importance of "Badā'i' al-ṣanā'i' fī tartīb al-sharā'i'" as "it is a book that has earned the praise and praise of all scholars."¹²

When the famous Shāfi'ī scholar Shams al-Dīn Khasrushahi¹³ met Kamāl ad-Dīn ibn 'Adīm in Cairo, he said: "I read al-Kāsānī's work "Badā'i'" among your jurists and I was amazed. Until now, no jurist has written such a work"¹⁴. In general, the work of Abū Bakr ibn Mas'ūd ibn 'Aḥmad al-Kāsānī (r.h) "Badā'i' al-ṣanā'i' fī tartīb al-sharā'i'", short name "Badā'i'", is a reference source for representatives of all sects.

'Alā' al-Dīn Samarkandi had a daughter named Fāṭima.

"Fāṭima bint Muḥammad Samarkandiyya¹⁵ (died in 1187) was a sharp intellect and a beautiful lady who fully mastered all the sciences of her time, it is mentioned in the sources"¹⁶. "He knew his father's works such as "Tuḥfat al-fuqahā", "Sharḥ Ta'wīlāt ahl as-sunna" by heart and reached the level of issuing fatwas."¹⁷

Also, Fāṭima Samarkandiyya was a skilled hattot, and used to copy the fatwas issued by her father on paper.

'Alā' al-Dīn Samarkandi is happy that the style and content of this book, written by his student, is at a high level, and he gives his daughter Fāṭima in marriage to him on the condition that the girl's dowry is given as "Badā'i'", so that the dowry of Fāṭima bint 'Alā' al-Dīn Samarkandi will be "Badā'i' al-ṣanā'i' fī tartīb al-sharā'i'" of her future son-in-law Abū Bakr al-Kāsānī's book will be placed.

The issue of dowry in the practice of marriage is the fact that Abū Bakr al-Kāsānī's book "Badā'i' al-ṣanā'i' fī tartīb al-sharā'i'" was accepted as a substitute for the book of Abū Bakr al-Kāsānī during the marriage teaching ceremony between the scholar of jurisprudence, great scholar 'Alā' al-Dīn

⁸ Sheikh Muḥyī al-Dīn Abū Muḥammad 'Abd al-Qādir ibn Muḥammad Qurashi lived in 692-775 AH. He wrote centuries about the sciences of hadith, fiqh and history. Including: "al-Inaya fī tahriji ahadis al-Hidaya", "Jawāhir al-muḍīyah" and others.

⁹ Ibn al-'Adīm. Bughyat al-ṭalab. – V: X. – P. 42.

¹⁰ Qurashi. Jawāhir al-muḍīyah. – V: IV. – P. 25.

¹¹ Ḥājji Khalīfa. Kashf al-zunūn. – V: V. – P. 193.

¹² Sheikh Muḥammad Ṣādiq Muḥammad Yūsuf. Answer to the question about the work "Badā'i' al-ṣanā'i' fī tartīb al-sharā'i'". www.islom.uz

¹³ Allama Shams al-Dīn Abdulhumayd ibn Isa Khasrushahi is a famous Shāfi'ī jurist. He was born in 580/1184 in the village of Khasrushah, which belongs to the city of Tabriz. After receiving a long education from Fakhruddin Razi, he went to Sham and learned from the scholars there. Then he went to live for a while with Nasir Davud, king of Kark region. Later, he returned to Sham and Damascus and lived there until his death in 652/1254. He was a scholar of jurisprudence, methodology, and mutakallim and wrote works called "Mukhtasar al-muhazzab fil-fiqh", "Mukhtasaru maqalotu Ibn Sina" and "Tatimmat al-Ayot al-bayyinat". See: Tāj al-Dīn Subkī. Ṭabaqāt al-Shāfi'īyah al-kubrā. – Beirut: Dor kutub al-ilmiyya, 1995. – V: VIII. – P. 161

¹⁴ Ibn al-'Adīm. Bughyat al-ṭalab. – V: X. – P. 42.

¹⁵ Qurashi. Jawāhir al-muḍīyah. – V: V. – P. 25; Ibn Quṭlūbughā. Tāj al-tarājim. – P. 84.

¹⁶ Qurashi. Jawāhir al-muḍīyah. – V: IV. – P. 122; Laknawī. Fawā'id al-bahīyah. – P. 158.

¹⁷ Qurashi. Jawāhir al-muḍīyah. – V: IV. – P. 122; Laknawī. Fawā'id al-bahīyah. – P. 158.



Samarkandi, his student Abū Bakr al-Kāsānī and his daughter Fāṭima. points out that it is a multifaceted subject.

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