

Family-Marriage and Inheritance Relations of the Population in the Bukhara Emirate

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Annotation: How to organize family relations in the Emirate of Bukhara, the laws and regulations established in the Emirate for building a family, the role of Sharia rules in the registration of marriage, issues of dowry, the issue of fatness, procedures for divorce in the Emirate, heirs and inheritance issues data is provided.

Kalit so‘zlar: family relations, marriage, genealogy, civil-legal contract, witness, dowry, money, amount of inheritance, personal property, heir.

During the rule of the Mangites, family relations were based on the principles of Islamic law and were regulated almost no different from other Islamic nations. The power of the head of the family was not limited, and he decided all the family's property and the fate of the family members. But even in nations with developed nomadic clan-family relations, new families formed special "small families". In the Emirate period, the Islamic family was fundamentally different from the Ancient Roman family in these respects (the Ancient Roman family included family servants, the family of older sons, and slaves). The authority of the head of the family differed from the authority of the father in Roman law by its structure and family management.

In the Emirate of Bukhara, there are more cases of application of sharia norms with changes in the field of family relations. If the party entering into the marriage has a number of unique aspects, the legal form of the marriage is fully regulated by Sharia norms. For example, in the Turkmen peoples living in the territory of the emirate, marriage and marriage are regulated by the norms of customary law, but the conclusion of marriage is carried out on the basis of Sharia.

"Marriage is considered a civil-legal contract according to Sharia, and the general form of concluding a contract was followed when concluding a marriage, and the consent of the parties was reported in the presence of two witnesses."

Failure to perform a marriage ceremony when concluding a marriage does not recognize the marriage as illegal. Thus, no written documents and religious rites were required to enter into a marriage.

According to Islamic jurists, marriage should be concluded between persons who are equal in descent, faith, profession, morals and behavior. However, this equality condition is not taken into account in the stratification distinction. A free man could marry a slave woman. In the Emirate, marriages are not allowed between persons who are close by blood, who are related by god, or who are close relatives.

Marriage in the Bukhara Emirate was mainly related to the payment of dowry and dowry. In general, according to Islamic law, only dowry payment is recognized. Dowry is a marriage gift, a type of gift that must be given by the groom to the bride on the wedding day. A woman has the right to demand dowry in the form of money or property worth not less than 10 coins. The size of the dowry can be determined with the consent of the parties, and it was announced during the marriage process. "Dowry was considered a woman's personal property." The girl visited her husband's house with her dowry, usually in the form of personal property. Since the dowry was her personal property, she had the right to take it with her during the divorce.

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Qalin is not paid to the bride by the groom, but given to her parents. Qalin money was accepted as a payment to the bride's parents to cover her upbringing, maintenance and other expenses. Nomadic peoples had more money than settled peoples.

In the cities of the emirate, the khish-pooli was given in the form of money, while in the rural areas, the khish-pouli was paid in the form of cattle and wheat or other property. As a rule, the money was paid at the time of marriage. However, according to the marriage contracts concluded between minors and based on the financial situation, it was possible to extend the money for one or two years. According to customary law, the fat money of this order was divided into parts and was paid every year on the eve of Ramadan.

In addition to the payment of dowry and dowry, according to the marriage contract, a certain fee must be paid to the judge for performing the marriage contract. For example, if the cash dowry amounted to ten dirhams, "the judge was given ten dinars and ten coins of wheat for concluding the marriage contract"³.

In the Emirate of Bukhara, the issue of dowry and dowry is resolved depending on the reason, guilt and other reasons for divorce. If the divorce is done at the husband's will without reasonable grounds, the husband is obliged to return the dowry to the wife. In addition, the husband was deprived of the right to recover his money from his wife. Since the dowry is a marriage gift, it also fulfills the task of providing for the wife during the future divorce.

If the divorce is due to the fault of the wife, she is deprived of the right to dowry and is obliged to return the money paid for her to her husband.

In the Bukhara Emirate, the main feature of the right of inheritance regulated on the basis of Islamic law was that the inheritance was distributed by the heirs in turn based on certain procedures.

The amount of inheritance left after a person's death, i.e., all his property before his death, is distributed among the applicants for the following five main inheritances in turn. For example,

1. are creditors (lenders) who retain the right of lien on the remaining property of a deceased person;
2. funeral expenses according to the community rule;
3. creditors who do not have the right to pledge;
4. share-heirs;
5. other heirs.

The debts of the deceased were first paid from the remaining property, and then other property was distributed among the heirs.

According to Sharia, heirs are conditionally divided into two categories: primary and secondary. The main heirs are the heirs who legally have their share (shared heirs). Additional heirs were considered to be male relatives of the husband.

The category of main heirs includes 12 persons: four men and eight women. All of them owned the corresponding share. According to Sharia, there were six inheritance shares. If the wife left no children and no grandchildren, the husband received half of the inheritance; otherwise, the husband owned a

² Ильясов Ф.Н. Сколько стоит невеста // Социологические исследования. – Москва. 1991. - № 6. – С.68.

³ Дониш Ахмад. История мангитской династии. / Пер. с тадж. И.А.Наджафова. – Душанбе: Дониш, 1967. – С 28.



quarter of the inheritance. If the wife has no children and grandchildren, a quarter of the inheritance; on the other hand, he owned one-eighth of the inherited property. If there were no other heirs, the mother could own one-third of the inheritance, and if there were heirs, only one-third of the remaining inheritance.

In the case of polygamy, the inheritance is divided according to the legal share on the basis of mutual unity. Co-heirs are heirs who have superior rights in the ownership of the inheritance. After the co-heirs satisfied their interests, the additional heirs began to exercise their inheritance rights. These heirs were considered to be persons who were related to the deceased. Additional heirs are divided into four categories. The heir in each category had to complete the property from the next one.

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