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THE IMPORTANCE OF "KAZILIK ADABI" IN ABU BAKR KASANI'S WORK "BADOI-US-SANOE"

Abstract: This article covers the issues related to the court cases in Abu Bakr Kasani's work "Badoi-US-Sanoi". The requirements and features to the judges, the importance of the judicial office were revealed.

Key words: Alauddin Abu Bakr Kasani, Islamic law, kazi, fiqh, kazilik morality-odob, "Badai-us-Sanai", badargah, farzi-Eyn, milk, evidence.

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Introduction

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General information about the life, scientific activity and works of Alouddin Abu Bakr Kasani is available in the works of oriental scientists, including the historian of Aleppo and Kamoliddin Ibn Adim, son of Shogiri Ahmed ibn Hibatullah of Kasani, in his work "Bug'Yatu-t-tolab fi tarixi Halab", he brought valuable information about the life and scientific activity of Alouddin Kasani, which is not.

Scientists from Uzbekistan M.Komilov, A.Kamparav, M.Homidov and M.Umaraliev such scientists as illuminated in their research the data on Alouddin Kosoni and his work "Badoi". S.Gaybullaev was engaged in scientific analysis of the work of Alouddin Kasani "'Badoi`u-s-sanoi` fi tartibi-sh-sharoi'" (beautiful laws in the order of Sharia laws) at the International Islamic Academy of Uzbekistan. Abu Bakr explained his outline on the issue of Kasani's style in the work.

In his opinion - "the development process of the science of Islamic law and the direction of the rules in accordance with the method of research of the fikh farsi jurisprudence, as an independent science, occurred during the period of the theoretical and devonian development of jurisprudence.

Jurisprudence is a wide range of meaningful expressions that arise as a result of the centralization

of the rules of fikh law, the concept of law at certain points. At the same time, reflect on the basic concepts of the legal environment as a common product of human mental activity, including humanity."

Based on the demand of his era, a theory of knowledge related to mining was created. Thinker Alouddin Kosoni wrote in his book "Bado'e-us-sanoe", which consists of several volumes, the post of a judge and all the categories involved in it, other season, who explained the concepts. On the basis of the bases, explanations, concepts presented in this book, the diggers conducted their activities.

In the formation of judicial power of the present time, in the regulation of the activities of judges, in the prints of their proceedings, alouddin Kosoni holds a place in the "kazilik morality" written by him. Because the activity of historically developed judicial power, namely the requirements for judges, has been improved in an evolutionary way. We understand that the concepts presented in the process of studying this book, The comments given, are of actual importance even now.

The book "Bado'-us Sanoe", written by Alouddin Kosoni, the book of ethics of the kazilik, is a separate chapter. Although this book was created in accordance with the Islamic rules of the period of Arab Caliphate, in the process of learning to read it, we can further improve our spirituality, strengthen our inner

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confidence in our own conduct and allow ourselves to see the work with purity..

Written on the basis of the Sharia law, the book of morality of kazilik is sorted as in all seasons. In the seasons of the kazilik custom, it is about the following:

1. About the obligatory position of the judge;
2. About the one who is considered worthy of the post of a judge;
3. About the one who accepts the post of a judge;
4. About the terms of the organization of the kazilik;
5. About the manners of the qazilikni proceedings;
6. When addressed to another judge, it is about the issues that will be resolved and the solution will be rejected;
7. About the issues that the judge decides and does not solve;
8. About the error of the judge in the issuance of the verdict;
9. About what the judge can refuse" - (Bado'-us sanoe 82-page)

The post of kazilik is a system of established state posts of the Arab Caliphate in the form of a monarch. This position is a senior position in public administration and was established in alokhi in the form of hierarchy. We share our thoughts with some sections of this season.

The first part of the section on the ethics of this post gives an understanding of the obligation of the post of the post of the post of the post of the post of the post.

The career of the judge is obligatory, because it is a work that is (is) ordained, that is, the hucm carries out the issuance. (Sad-26, Al-Maida-48) (Bado'-us sanoe 83-page)

The kazilik is to make a Hukm based on what Allah has revealed with truth to the relationship between people.

Since the post of the judge is introduced to issue a sentence, it means that it is an obligatory from the necessity that it is current. The position of an imam member is also obligatory without any disagreement among Ahlul-haq.

There is nothing to be a lesson in the disputes of some fates, companions with respect to their community. (Bado'-us sanoe 85-page)

When necessary, common interests such as the recording of the khukms, the establishment of impartial work between the oppressor and the oppressed, the elimination of conflicts considered as the basis of mischief arise only through the Imam.

In the Arab Caliphate State during the time when Abu Bakr Kasani lived when we paid attention to history, the community was led by the caliphs and the khudis by his nibs, and the disputes between the community were regulated by him. But the main task of the imam was the management of the team. To see

the controversial issues among people in the team, the Caliph established several types of positions within his authority. One of the positions established was considered the position of the judge.

The thing was known from the method-word. Again, the same thing is known that the imam can not be compared with what he has appointed for himself (position), so the place where he performs his duty in this field is muxtar'a mukhtaj, even if he is-qazidir.

The powers of the post of judge can not be compared with the powers of the Supreme Court. Khukmdor is responsible for all areas of Public Administration. The judge was responsible for the issues of jurisprudence in social relations.

Therefore, both the Rasulullah (s.the a.v.) they sent veterans to different parties:

Hence, the kazilik career was one of the necessities of the imam's career. It was therefore also an obligatory position.

Muhammad (a person other than the prophet) called it a hard(firm) obligation, because he is from the khokims of the consciousness of the necessity (necessity), he can not cancel the career, because he can not bear the nullity of the wise (recognized by the mind) khokm.

In the second part of the book of the kazilik Odabi, the requirements for the person who will become a Kazi are covered.

There are conditions of suitability for mining:

- Inability to reason (not mental illness);
- Age of puberty;
- The division of Islam;
- Freedom (not slavery);
- Health of vision members;
- Speech(ability to speak); (Bado-us sanoe

86-page)

- Choleric from badarga.

Therefore, the appointment of a sick person, a young child, a disbeliever, a hand, a blind person, a person who can not speak, a person who has received a badarge punishment, is not a geese, because the geese is not only a branch of the administration of the land, but also the greatest element of the administration.

And those listed above are also not entitled to the transition to (guardianship), which is the lowest form of Management (Administration). Even higher forms will not have their rights.

In the third part of the book, the book gives an understanding of those who will be assigned the post of the digger.

Here is what we say in this matter: if the post of a judge is invited from within the axli of the country to a person who is considered fit for it, it is considered: if there is a person who is fit for a judge in the land, he is not obliged to accept this post, and he has the opportunity to accept In this case, a worthy person in the state is sent to the post of the head of state. From Wikipedia,the free encyclopediia) he appointed

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Shorikh to the post of qazilik and appointed him Khazrati Uthman and Ali(r.a) confirmed. When the head of State addressed the region, noib ruled the territory, the conflict was resolved by the judge. Abu Bakr cites evidence that the non-qazani did not commit the non-qazani and that the non-qazani did not commit the non-qazani. In particular - "it is the spirit of returning from this post that the Prophet (PBUH) said:the a.v) there is a narration from him who says to Abu Zar: "do not be an emirate! I'm sorry. again, he said-that " on two issues the management is an Apple in the garden!I'm sorry. (Bado'-industry 94-page)

The next section of the book is the terms of the excavation. The terms of the pile are several types (the process of carrying out the activities of the pile is considered to be the requirements, and the requirements in the processual legislation of the current period are the same, since these rules are their own. In the codes there is a section called Process parties or participants. He is the accused, the victim, the plaintiff and the respondent in the section, the other participants are given in the articles. Their rights and duties are also legalized) and some of these species are subordinated to the judge, some are subordinated to the judge himself, some to those to whom the judgment was issued in favor of him, and some to the detriment of others.

Conditions for the appointment of a judge are the conditions under which we consider it permissible to appoint a judge, since if the judge is unfit, then his appointment will not be permissible from necessity.

The most important thing is to consult with scientists faqih on this matter. In complex matters, the conduct of a jury and the organization of judicial consultants are established by our laws. In the case of the issue, when it comes to the middle ixtilof with scientists, it is looked at (the presiding opinion)and what leads to the truth is taken. If they (consultants)

come to an opinion that contradicts his (presiding) opinion, then he also acts with his own opinion.

In the fifth part, which covers the issue of moral decency of the judge, the quality of the judge in the proceedings is written.

"You understand that if proof is brought to you, there is no benefit from talking about something that cannot be done. Whether it is in front of you, in your assembly, in your rightful trial-take care of people, so that a noble person does not suffer in your injustice. Let the helpless man not despair of your justice."

Abu Bakr Kasani analyzed all aspects of the activities of the Kazakh in the chapter "the custom of the Kazi "of the work "Badoi-us-sanoe" by comparing the views of all sects of the Islamic religion.

Abu Bakr Kasani said - " if a person who is fit for a post is one, it will be obligatory for him to accept the post of a judge, because if there is no other fit for this post than him, the fulfillment of this prayer will be entrusted to that person and this position will become a farzid for him." To the person who is worthy and appointed by the state in the country is to be glorified as a lamb prayer.

In summary, it can be said that the study of this book is significant in the process of ensuring the rule of law in Uzbekistan and ensuring the independence of judicial power.

The book of kazilik Odabi serves to ensure the moral perfection of the judges.

It is necessary for the judges to work without prejudice in the process of work and to be competent, as well as the program. Judges should rely on the printouts of this book in the process of seeing the case, read and learn the knowledge in this book to strengthen their internal confidence in the judgment and decision-making.

I consider this book to be perfectly translated by our specialists and trained in the system of forensic training is appropriate.

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