

## A Source Bringing Together Children's Rights

Dr. Muslim Ataev

Researcher, Tashkent State University of Oriental Studies, Uzbekistan

**Abstract:** This article examines the scholarly legacy of the medieval jurist Majd al-Dīn Abū al-Faṭḥ Muḥammad b. Maḥmūd al-Ḥusayn al-Ustrūshānī, a prominent representative of the intellectual tradition of Ustrushana—an understudied scientific and cultural center of medieval Mawarannahr. Drawing on newly identified manuscript materials preserved in the Abū Rayḥān al-Bīrūnī Institute of Oriental Studies, the study reconstructs the biography, academic genealogy, and juridical contributions of al-Ustrūshānī. Particular attention is devoted to his seminal work *Jāmi' Ahkām aṣ-Ṣiḡhār* ("The Code of Children's Rights"), completed in 625/1228, which represents the earliest and most comprehensive legal source on children's rights in Islamic law and world legal history. The discovery of the manuscript *al-As'ila wa-l-Ajwiba* (completed in 637/1240) enables a revision of the scholar's chronology, offering previously unknown information on his lifespan, teachers, and scholarly environment. The article provides a systematic analysis of al-Ustrūshānī's extant works—*Kitāb al-Fuṣūl*, *Jāmi' Ahkām aṣ-Ṣiḡhār*, *Qurrat al-'Aynayn*, *al-Qurūd wa-d-Duyūn*, and *al-As'ila wa-l-Ajwiba*—highlighting their content, manuscript tradition, and influence on Hanafi jurisprudence. Furthermore, the study demonstrates that al-Ustrūshānī's contributions attest to the advanced legal thinking of the First Renaissance in Central Asia and affirm Uzbekistan's historical role as a cradle of early legal concepts related to child protection, family obligations, and social justice. Through a comprehensive evaluation of classical and modern sources, this research situates Ustrushana within the broader intellectual history of the Islamic world and reintroduces al-Ustrūshānī's corpus into modern academic circulation.

**Keywords:** Ustrushana; al-Ustrūshānī; Majd al-Dīn; Islamic law; Hanafi school; children's rights; *Jāmi' Ahkām aṣ-Ṣiḡhār*; medieval Central Asia; manuscript studies; Islamic jurisprudence; Mawarannahr; legal history; fatwa literature; *al-As'ila wa-l-Ajwiba*

## INTRODUCTION

The territory of present-day Uzbekistan—known in antiquity as Turan and later, after the Arab conquest, as Mawarannahr—has for many centuries been one of the world's major centers of scientific, cultural, and intellectual development. Its historic cities such as Bukhara, Samarkand, Termez, Khorezm, Fergana, and Shash produced generations of renowned scholars whose works shaped the evolution of Islamic thought and contributed significantly to global civilization. Alongside these well-studied urban centers, the region of Ustrushana, situated between Samarkand and the Fergana Valley and corresponding largely to modern-day Jizzakh, likewise flourished as a vibrant hub of scientific and religious scholarship. Yet, despite its historical significance, Ustrushana remains one of the least researched intellectual centers of the medieval Islamic world. Its contribution to the development of Islamic jurisprudence, theology, and hadith studies has not been comprehensively documented, and the biographies and works of its scholars have remained largely outside academic circulation.

In recent years, systematic efforts to recover the forgotten scholarly heritage of Ustrushana have begun to yield important discoveries. More than one hundred previously unknown hadith scholars, jurists, and theologians originating from Ustrushana have been identified and introduced into scholarly discourse through the research of

Dr. Muslim Ataev and other specialists. Among these figures, the prominent jurist Majd al-Dīn Abū al-Faṭḥ Muḥammad b. Maḥmūd al-Ḥusayn al-Ustrūshānī occupies a distinctive place. Living during the late twelfth and early thirteenth centuries, at a time when the Hanafi school of Islamic law was reaching its intellectual zenith in Central Asia, al-Ustrūshānī produced several influential works that shaped legal thinking in Mawarannahr and beyond. Classical biographical dictionaries (*tabaqāt* works) provide only fragmentary information about him, and modern scholarship has tended to overlook his contributions due to the limited availability of verified manuscripts.

The discovery of new manuscript evidence, particularly the work *al-As'ila wa-l-Ajwiba*, preserved in the manuscript collection of the Abū Rayḥān al-Bīrūnī Institute of Oriental Studies in Tashkent, has made it possible to reevaluate al-Ustrūshānī's biography, scholarly activity, and juridical methodology. This text not only expands our knowledge of the author's intellectual environment but also revises the chronology of his life, demonstrating that he remained active after the date previously assumed as his year of death. In addition, the work provides valuable insight into the legal debates of the thirteenth century, the transmission of Hanafi jurisprudence, and the

scholarly networks that linked Ustrushana to other centers of Islamic learning.

Among al-Ustrūshanī's legal writings, the treatise *Jāmi' Ahkām aṣ-Ṣighār* ("The Code of Children's Rights"), completed in 625/1228, stands out as one of the earliest and most comprehensive juridical works devoted entirely to the rights, welfare, and protection of children. Long before the emergence of modern international instruments on children's rights, al-Ustrūshanī articulated detailed principles governing guardianship, lineage, child upbringing, custody, inheritance, and moral responsibility within Islamic law. His systematic approach, grounded in the Hanafi tradition, reflects the depth of legal thinking in medieval Mawarannahr and reveals that concerns for children's welfare occupied a central place in the intellectual and social life of the region. The resurgence of interest in this heritage is particularly timely today, when Uzbekistan continues to emphasize the protection, education, and development of children as national and global priorities.

Despite its historical and legal significance, al-Ustrūshanī's oeuvre has not yet undergone comprehensive scholarly analysis, and many of his manuscripts remain unedited or unpublished. Questions surrounding his biography, teachers, intellectual lineage, and influence on subsequent jurists also remain unresolved. Furthermore, the manuscript traditions of his major works—including *Kitāb al-Fuṣūl*, *Jāmi' Ahkām aṣ-Ṣighār*, *Qurrat al-'Aynayn*, *al-Qurūd wa-d-Duyūn*, and *al-As'ila wa-l-Ajwiba*—have not been systematically examined.

The present study aims to fill these gaps by reconstructing the life and scholarly legacy of al-Ustrūshanī on the basis of newly available manuscripts, classical biographical sources, and modern academic research. By examining the content, structure, and legal methodology of his works, the article highlights the intellectual role of Ustrushana in the broader landscape of Islamic jurisprudence and situates al-Ustrūshanī among the major jurists of the medieval Hanafi tradition. In doing so, it demonstrates the enduring relevance of his contributions—particularly in the field of children's rights—and affirms the deep historical roots of legal thought in Uzbekistan.

## RESULTS AND DISCUSSIONS

Our country, Uzbekistan, was in ancient times known as Turan, and after the arrival of the Arabs, it became known as Mawarannahr. In Islamic history, it is recognized as one of the ancient lands

that served as a scientific and cultural center. Its ancient cities such as Bukhara, Samarkand, Termez, Khorezm, Fergana and Shash earned renown as centers of knowledge that nurtured great scholars who contributed to the development of world civilization. However, among the scientific centers that once flourished in our land, there is one whose history has not yet been fully studied or systematically introduced into academic circulation, and whose information has not been comprehensively compiled. This is Ustrushana, another scientific and cultural center.

The formation and development of Islamic civilization in Central Asia cannot be fully understood without considering the scholarly heritage and activities of the scholars who worked in the scientific center of Ustrushana. During research conducted by Muslim Ataev, Candidate of Historical Sciences and a staff member of our university, more than one hundred hadith scholars and jurists from Ustrushana, whose intellectual and spiritual heritage and even names had remained unknown until today, were identified and introduced into academic circulation. Among the scholars of Ustrushana, the life and scientific legacy of the great jurist Majd al-Dīn al-Ustrūshanī hold a special place. His full name was Abū al-Faṭḥ Muḥammad bin Maḥmūd bin al-Ḥusayn al-Ustrūshanī. He lived in Ustrushana, now known as Jizzakh, at the end of the twelfth century and the first half of the thirteenth century and, with his profound knowledge, made a significant contribution to the development of Islamic jurisprudence.

Muḥammad bin Maḥmūd bin al-Ḥusayn al-Ustrūshanī (also known as Abū al-Faṭḥ) enjoyed great popularity among Muslims in the Medieval Central Asia and he was given the rank of "Majd ad-dīn" (the Honor of Islam). He lived in Mawarannahr (Transoxiana) in the late 12th and early 13th centuries and contributed to the development of the Islamic Jurisprudence. It is, we think, worth learning more about his personality and praiseworthy achievements. All sources give brief common information on his biography and name his works<sup>1</sup>.

<sup>1</sup> Muḥammad bin 'Abdulḥay al-Hindī al-Laknavī. *Al-Fawā'id al-bahīya fī tarājim al-ḥanafiya*. Bayrūt. Dār al-ma'rifa. 1972. P. 200; Özel A. *Hanefi fikh alimleri*. Ankara, 1990. S. 63.

“Ṭabaqāt” literature sources on the Ḥanafī mazhab (one of the four Sunnī schools in the Islamic jurisprudence) possess limited information on Muḥammad bin Maḥmūd al-Ustrūshanī. Although some facts given by ‘Abd al-Qādir bin Abīl-Wafā’ al-Qurashī (died in 775/1373), Hājī Khalīfa (d. in 1067/1657), Muḥammad ‘Abd al-Ḥayy al-Laknawī (d. in 1304/1886), and Khayr ad-dīn az-Zirīklī on the al-Ustrūshanī’s biography and his works are similar, there are limited facts<sup>2</sup>.

Among modern researchers, Ashirbek Muminov is believed to be the first to shed light on the works of Muḥammad bin Maḥmūd al-Ustrūshanī<sup>3</sup>. Shamsiddin Kamaliddinov had studied Medieval Arabic sources on the Ustrūshana province and the biographies of several theologians native from Ustrūshana.

While information on the life and scientific activity of al-Ustrūshanī is lacking, the work of al-Ustrūshanī “*al-As’ila wa-l-ajwiba*” (“Questions and Answers to Them”) has recently been found among the manuscripts kept in the holdings of the Abū Rayḥān al-Bīrūnī Institute of Oriental Studies of the Academy of Sciences (Tashkent, Republic of Uzbekistan). The work has not been touched in any researches that cover the genre of “Ṭabaqāt” and has, in fact, been ignored by modern researchers. What is more, the work provides additional information on the biography of al-Ustrūshanī. Although previously documented “sources state that al-Ustrūshanī died in the year 632/1234-1235, they do not mention the date of his

birth. However, “*al-As’ila wa-l-ajwiba*” includes the following information in its last part: “... This book was completed on Dhū al-qa‘da 6, 637 *hijrī* before noon”<sup>4</sup>. According to this quote, the scholar was still alive at the age of 60 in 637/May 29, 1240<sup>5</sup>. It turns out that al-Ustrūshanī did not die in 632/1234-1235, as is stated in later biographical sources. If al-Ustrūshanī completed “*al-As’ila wa-lajwiba*” on 637/May 29, 1240, at the age of 60, his date of birth actually would be around 577/1182. However, the exact date of the scholar’s death is still unknown.

According to this new source, al-Ustrūshanī’s upbringing played a vital role in the development of his theological outlook and thinking. Al-Ustrūshanī was the part of the dynasty of *faqih*s; moreover, Maḥmūd al-Ustrūshanī’s father, had the honorable title of “Jalāl ad-dīn” (the Greatness of the Religion); his uncle Aḥmad bin al-Ḥusayn al-Ustrūshanī<sup>6</sup> was also conferred the title of “Burhān ad-dīn” (the Argument of the Religion); his mother’s grandfather was conferred the title of “Shams al-A’imma” (the Sun of Imams); and his maternal uncle Muḥammad bin Aḥmad<sup>7</sup> was nicknamed “Shams ad-dīn” (the Sun of the Religion). An extensive research on al-Ustrūshanī

<sup>2</sup> Abū Muḥammad ‘Abdulqādir bin Abīl-Wafā’ al-Qurashī. Al-Javāhir al-mudiya fī tabaqāt alhanafiya. Hijr li-t-taba‘at va-n-nashr. 1993. J. 3. S. 366, J. 4, S. 243; Mustafā ‘Abdullah Hājī Khalīfa. Kashf az-zunūn ‘an ‘acami al-kutub wa-l-funūn. Al-Qāhira. J. 1. S. 55, J. 2. S. 93; Khayr ad-dīn az-Zirīklī. Al-A‘lām. Bayrūt, 1999. J. 7. S. 86.

<sup>3</sup> Муминов А.К. “Ката’иб а’лам ал-ахйар” ал-Кафави (ум. в. 990/1582 г.) как источник по истории ислама в Мавераннахре (III/IX-VII/XIV вв.)”. Диссертация на соискание ученой степени кандидата исторических наук. Ленинград: Институт востоковедения, 1991. С. 85. The famous jurist of the medieval Central Asia

<sup>4</sup> al-Ustrūshanī. *al-As’ila wa-l-ajwiba*. Manuscript of the Abū Rayḥān al-Bīrūnī Institute of Oriental Studies of the Academy of Sciences of the Republic of Uzbekistan. № 3109/I, F. 70<sup>b</sup>.

<sup>5</sup> Russian catalogue of the Institute’s manuscript collection, entitled *Sobranie vostochnykh rukopisei Akademii nauk Uzbezkoi SSR* (ed. A. A. Semenov et al.), published in Tashkent between 1952 and 1987 (Inv. No. 9634, described in SVR, IV, pp. 213-214. al-Ustrūshanī. *al-As’ila wa-l-ajwiba*. № 3109/I, F. 70<sup>b</sup>.

<sup>6</sup> al-Ustrūshanī. *Kitāb al-fuṣūl*. Manuscript of the Abū Rayḥān al-Bīrūnī. № 3245, лист 5<sup>a</sup>; *al-As’ila wa-l-ajwiba*. № 2533/III, F. 36<sup>a</sup>.

<sup>7</sup> al-Ustrūshanī. *Kitāb al-fuṣūl*. Manuscript of the Abū Rayḥān al-Bīrūnī. № 3245, F. 107<sup>a</sup>; *al-As’ila wa-l-ajwiba*. № 2533/III, F. 42<sup>a</sup>.

has shown that he held the office of *mufī* (Islamic legal expert) as well<sup>8</sup>.

### Al-Ustrūshanī's Scientific Activity

As it has been noted above, al-Ustrūshanī's family played an important role in al-Ustrūshanī's scholarly development. His father and first teacher Maḥmūd and his another bin Muḥammad were taught by the famous scholar Burhān ad-dīn al-Marghīnānī. Thus, Maḥmūd was a highly respected man amongst scholars and was often addressed as “*Ṣāhib al fuṣūl's father*” or “the disciple of Burhān ad-dīn al-Marghīnānī.” Unfortunately, existing sources do not provide information on whether Maḥmūd al-Ustrūshanī held an office or had an important position in society at that time; there is also no information about his birth and death<sup>9</sup>. In addition, Maḥmūd had a work so-called “*al-Fawā'id*”<sup>10</sup>. Although we lack outside information on al-Ustrūshanī's father, we gain some insight when we look at some of his works.

Al-Ustrūshanī writes that he completed the first half of “*Kitāb al-Fuṣūl*” on Ramaḍān 22, 607/March 13, 1211<sup>11</sup>. We know that al-Ustrūshanī completed “*al-As'ila wa-l-ajwiba*” on 637/May 29, 1240. However, al-Ustrūshanī managed to complete it at the age 32<sup>12</sup>. How can an interval

between the first half and the second half of the work be explained? It is known that during the period of 607-609/1211-1213, the Khorezmshahs actively interfered in the political life of Samarkand. Eventually, after the assassination of ‘Uthmān bin Ibrāhīm, the governor of the Qarakhanids, the Khorezmshahs took possession of Samarkand<sup>13</sup>.

Moreover, al-Ustrūshanī's father was still alive when al-Ustrūshanī was writing the first half of “*Kitāb al-Fuṣūl*”, as these words demonstrate: “I read it in my father's book *al-Fawā'id*”, may Allah be pleased with him”<sup>14</sup>. The author, however, speaks about his father as deceased in the second half of the work. Maḥmūd bin al-Ḥusayn al-Ustrūshanī, in fact, died in the chaos in Samarkand between 607-609/1211-1213<sup>15</sup>.

Almost all extant sources show that Burhān ad-dīn al-Marghīnānī played a large role in Muḥammad bin Maḥmūd al-Ustrūshanī's emergence as a *faqīh*<sup>16</sup>. Similarly, the *faqīh* Aḥmad bin al-Ḥusayn al-Ustrūshanī assisted Muḥammad bin Maḥmūd al-Ustrūshanī much in reaching the peak of proficiency. Muḥammad bin Maḥmūd al-Ustrūshanī not only mentioned his uncle in “*Kitāb al-fuṣūl*” and “*al-As'ila wa-lajwiba*” but also, as he stresses, followed some of his opinions<sup>17</sup>.

We have information that Maḥmūd bin al-Ḥusayn al-Ustrūshanī created a work entitled “*al-Fawā'id*”.

Muḥammad bin Muḥammad bin Yūsuf ash-Shahīd as-Samarqandī, a famous scholar who has given the title of “*Nāṣir ad-dīn*”, was another teacher of al-Ustrūshanī.<sup>18</sup> This master wrote a great number

<sup>8</sup> al-Kafawī. Muntahab katā'ib a'lām al-ahyār min fuqahā' mazhab an Nu'mān al-muhtār. Manuscript of the Abū Rayḥān al-Bīrūnī. № 2533/IV, F. 144b.; 'Abd al-Qādir bin Muḥammad Amīn. Majmū' alansāb wa-l-ashjār. The Manuscript of Private Collection of Prof. Sh.Vahidov, Tashkent, Uzbekistan, № 201, F. 133<sup>b</sup>.

<sup>9</sup> al-Kafawī. Muntahab katā'ib a'lām al-ahyār min fuqahā' mazhab an Nu'mān al-muhtār. Manuscript of the Abū Rayḥān al-Bīrūnī. № 2533/IV, F. 144<sup>b</sup>.; Özel A. Hanefi fikh alimleri. Ankara, 1990. S. 63.

<sup>10</sup> al-Kafawī. Muntahab, № 2533/IV, F. 144<sup>b</sup>.; al-Ustrūshanī. Kitāb al-fuṣūl. Manuscript of the Abū Rayḥān al-Bīrūnī. № 3245, F. 215<sup>a</sup>

<sup>11</sup> al-Ustrūshanī. Kitāb al-fuṣūl. № 3245, F. 194<sup>b</sup>

<sup>12</sup> He had compiled Kitāb al-fuṣūl, when he was 32 years old,

see: Brockelmann, Carl. Tarikh al-adab al-'arabī. Al-Qism ath-thālith. Cairo, 1993. P. 714-715.

<sup>13</sup> Бартольд В.В. Сочинения. Т. I. Москва, 1963. С. 415, 418, 420, 422, 424, 427, 431.

<sup>14</sup> al-Ustrūshanī. Kitāb al-fuṣūl. № 3245, F. 225<sup>b</sup>

<sup>15</sup> al-Ustrūshanī. Kitāb al-fuṣūl. № 3245, F. 225<sup>b</sup> : “I have seen it in the book of my father - “*al-fawā'id*”, raḥim Allah ‘anh”.

<sup>16</sup> al-Qurashī. Vol. II, P. 627-629; al-Laknawī. P. 141-144; 'Abd al-Qādir bin Muḥammad Amīn. Majmū' al-ansāb wa-l-ashjār. № 201, F. 133<sup>b</sup>.

<sup>17</sup> al-Ustrūshanī. Kitāb al-fuṣūl. № 3245, F. 5<sup>a</sup>



of works on *fiqh*, including “al-Fiqh an-nāfi’”, “al-Jāmi’ fi-l-fatāwā”, “Maṣābīḥ as-subul”, “Īmān an-nawāzil”, “Kitāb alakhṣāf”, “Ma’āl al-fatāwā”, “al-Multaqaṭ fi-l-fatāwā”. As-Samarqandī was executed in Samarkand in 556/1161. Muḥammad bin Maḥmūd al-Ustrūshanī considered this master as one of his ideal teachers and took full advantage of his works<sup>18</sup>.

Muḥammad bin Aḥmad bin ‘Umar Zahīr ad-dīn al-Bukhārī (d. 619/1222), a competent scholar, was also one of al-Ustrūshanī’s teachers, and completed two works on *fiqh*: “al-Fatāwā az-zhīrīya” and “al-Fawā’id az-zahīrīya”<sup>19</sup>. Obviously, Muḥammad bin Maḥmūd al-Ustrūshanī was brought up and his outlook and scientific thinking started forming at the same time that *fiqh* developed in Central Asia.

We have so far touched upon the teachers of Muḥammad bin Maḥmūd al-Ustrūshanī. In turn, al-Ustrūshanī managed to train lots of disciples as well. Muḥammad bin ‘Uthnān bin Muḥammad al-‘Alībādī as-Samarqandī, muḥaddith, mufasssir, was one of the disciples of al-Ustrūshanī and held the title of “Ḥusām addīn”, as well writing several books, including “Kāmil al-fatāwā”, “Maṭāla’ al-ma’anī” and “Manba’ al-mabānī”<sup>20</sup>.

## THE LEGACY OF AL-USTRŪSHANĪ

Several works of Muḥammad bin Maḥmūd al-Ḥusayn al-Ustrūshanī have been preserved to the present day, including: “Kitāb al-fuṣūl”, “Jāmi’ aḥkām al-ṣighār”, “Qurraṭ al-‘aynayn fī iṣlāḥ ad-dārayn”, “al-Qurūd wa-d-ḍuyūn” and “al-As’ila wal-ajwiba”

1. The initial work of al-Ustrūshanī is entitled “Kitāb al-fuṣūl” or “Fuṣūl al-Ustrūshanī”<sup>21</sup>. The work is dedicated to finding a better solution to social and economic issues frequently faced in Muslims lives. Al-Ustrūshanī created this work, in which he quotes the works of more than 100 *mujtahids* and scholars, in order to assist qadis (religious judges) in the performance of their work. Although many years have passed away since 13th century, the book is still of great importance.

There are fourteen copies of the manuscript, six of which are found in archives in Tashkent; the

remainder are now being held at various foreign libraries<sup>22</sup>.

2. Another most important work by al-Ustrūshanī is “Jāmi’ aḥkām al-ṣighār” The Collection of Decisions Concerning Minorities)<sup>23</sup>. The work, which is the most comprehensive Islamic work dealing with minority rights, was completed in 625/July 9, 1228. To create the book, al-Ustrūshanī made use of many works of well-known faqīhs of the Ḥanafī mazhab. Almost 110 scholars’ opinions were included in the book. Thus, the work is highly appreciated and retains its widespread popularity with latter-day scholars and lawyers.

“Jāmi’ aḥkām al-ṣighār” spread rapidly to other countries, as it was an invaluable work on Islamic law. ‘Abd al-Hamīd ‘Abd al-Khālīq al-Bayzaī was the first to publish the book in a new form in Iraq in 1982. He used several different manuscripts before publishing the edition of “Jāmi’ aḥkām al-ṣighār” including manuscript number 1704 in Princeton, USA; manuscript number 1/9626 at the library of the National Museum of Iraq in Baghdad; manuscript number 3741/1 and 7460/1 at the Central Waqf library in Baghdad; and manuscript numbers 9/7 at the Central Waqf library in Mawsil, Iraq. The book’s second modern edition, in two volumes, was prepared by Professor Abu Muṣ’ab al-Badrī and Muḥammad ‘Abd ar-Raḥmān ‘Abd al-Mun’im of al-Azhar University. The researchers used the first modern edition and also made use of manuscript number 901 and microfilm number 9334 at the Dār al-Kutub library in Egypt.

Nine extant copies of “Jāmi’ aḥkām al-ṣighār” are available, four of which are kept at foreign libraries and the rest are at manuscript archives in

<sup>18</sup> al-Laknawī. P. 219–220.

<sup>19</sup> Ibid.

<sup>20</sup> al-Qurashī. Vol. III, P.55;

al-Laknawī. P. 156–157.

<sup>21</sup> al-Laknawī. P. 95.

<sup>22</sup> Ismā‘īl Bāshā al-Baghdādī. *Hadīyat al-‘ārifīn*. Bayrūt, 1992. Volume II, P. 113; ‘Umar Riḍā Kaḥḥāla. *Mu’jam al-mu’allifīn*. Dimashq, 1960. Volume XI, P. 317–318.

<sup>23</sup> Brockelmann C. *Geschichte der Arabischen Litteratur*. Erster Supplementband. – Leiden. 1937, C. 653. Халидов А.Б. Арабские рукописи и арабская рукописная традиция. М.: “Наука” 1985. С. 206–207.

Tashkent<sup>24</sup>. When the manuscripts in Tashkent were compared with the second modern edition of “Jāmi‘ aḥkām al-ṣighār” published in Egypt, it was noticed that most Persian sentences and expressions had actually been copied out incorrectly. There were also serious mistakes in references to the titles of books.

As President Shavkat Mirziyoyev has noted, “The renowned jurist Muḥammad bin Maḥmūd al-Ustrūshānī, who matured in the Jizzakh, authored in the thirteenth century the unique work Jāmi‘ Aḥkām aṣ-Ṣighār (The Code of Children’s Rights), which is one of the earliest and most comprehensive legal sources on children’s rights in world history. The work provides a detailed analysis of issues such as the rights of children, particularly orphans, the determination of childhood and paternity, child upbringing, and the duties and responsibilities of children toward their parents. It also demonstrates the solutions offered within the framework of Islamic law. This means that the foundation of children’s rights was laid precisely in historical Mawarannahr, present-day Uzbekistan, and that Islamic jurisprudence addressed and applied the concept of children’s rights almost six centuries before Western civilization.”<sup>25</sup>

Indeed, in Mawarannahr great attention was paid to children’s rights six centuries ago. In the history of civilizations concerned with the protection of children’s rights, the work Jāmi‘ Aḥkām aṣ-Ṣighār, completed by the Jizzakh jurist Muḥammad bin Maḥmūd al-Ustrūshānī on July 28, 1228 (625 AH), can be considered the first legal source in this field. Written on the basis of Islamic jurisprudence, this work provides fair and balanced solutions to issues arising in relation to children’s rights, discussing numerous questions concerning the safety of children and the inviolability of their fundamental rights in social life. It contains many concrete evidences and guidelines for law enforcement and judicial institutions in this area.

The work embodies the most important and comprehensive systems of Islamic law and has proven its relevance and vitality for almost eight centuries, remaining one of the most respected and

authoritative sources. Indeed, Jāmi‘ Aḥkām aṣ-Ṣighār is considered the world’s first and unique legal source devoted entirely to children’s rights, having no equal or analogue. The very existence of such a rare legal work, in our opinion, clearly confirms that in the distant past of our homeland, eminent scholars and jurists had thoroughly studied many aspects of legal relations, including the structure, essence, sources, and stages of development of Islamic law, and created invaluable works in this field.<sup>26</sup>

The speech delivered by our esteemed President Shavkat Mirziyoyev at the 72<sup>nd</sup> session of the United Nations General Assembly was widely covered in foreign mass media. In his address, the Head of our State proposed the development of an International Convention on the Rights of Youth under the UN, as well as the adoption by the General Assembly of a special resolution entitled “Education and Religious Tolerance.” These initiatives are aimed at shaping and implementing a unified international legal framework devoted to youth policy. During this conference, our President emphasized that *the future and prosperity of our planet depend on what kind of people our children will become, and that our main task is to create the necessary conditions for young people to realize their potential and to prevent the spread of the “virus” of violent ideas. Indeed, concern for the rights, life, development, education, and upbringing of children is one of the universal human issues.* The rights of the child refer to the rights and freedoms belonging to every person under the age of eighteen. Considering that almost fifty percent of Uzbekistan’s population consists of children under the age of fifteen, it is not difficult to understand the importance of paying such close attention to this matter.

In the work Jāmi‘ Aḥkām aṣ-Ṣighār (“The Code of Children’s Rights”), the rights and responsibilities of families, the fundamental source of life, and of children, who are their most precious fruit, are clearly and comprehensively explained both within the family and in society. The very existence of such a rare legal and jurisprudential work, in our opinion, vividly confirms that during the First Renaissance period formed in Central Asia, the great scholars of our homeland profoundly studied many aspects of legal relations, including the system, essence, sources, and developmental stages of Islamic law, and created unique works in

<sup>24</sup> SVR, IV, pp. 256–257. Khayr ad-Din az-Zirikli. *fl-A’lām*. Volume VII, P. 86.

<sup>25</sup> Mirziyoyev, S. M. (2023). *Yangi O‘zbekiston taraqqiyot strategiyasi* (2nd expanded ed.). Tashkent, Uzbekistan: O‘zbekiston Publishing House. (p. 58).

<sup>26</sup> Saidov, A. Kh. (n.d.). A deep look into our national history of children’s rights (pp. 19–20).

this field. The book brings together about 1,300 fatwas related to the jurisprudence of young children, selected from nearly one hundred dispersed sources within the Hanafi school.

Some sources indicate that “Fatāwā”, another book by al-Ustrūshanī, there is no information about it in any presently available works of al-Ustrūshanī.

3. “Qurrat al-‘aynayn fī iṣlāḥ ad-dārayn” is also one of al-Ustrūshanī’s works. The single manuscript copy of the book is kept at the National Library of Egypt under number 1/340<sup>27</sup>. However, al-Ustrūshanī himself does not refer to the book in any of his works. 4. According to some sources, al-Ustrūshanī also completed a work entitled “*al-Fatāwā*” Khalit Unal, a Turkish scholar, in an article entitled “Al-Ustrūshanī is one of Mawarannahr faqihs”, compares some pages (F. 1a and 135a) of “*al-Fatāwā*” kept at Suleymaniya Library, with “*Kitāb al-karāhiyya*”, another work by al-Ustrūshanī, and states that both works, despite their different titles are, in fact, the same book. However, al-Ustrūshanī does not give any information about this book in his works. 5. Another work of al-Ustrūshanī, “*al-Qurūd wa-d-ḍuyūn*” (Types of Loans), is noted only in “*al-As’ila wa-l-ajwiba*”<sup>28</sup>.

6. As we have stated above, the book that we noticed, in a lucky moment, among the rows of manuscripts kept at the Institute of Oriental Studies of the Academy of Sciences, is “*al-As’ila wa-l-ajwiba*” (Questions and Answers) which was not mentioned in the works associating with the genre of *tabaqat* and has, in fact, been ignored by modern scholars. The book encompasses the issues of *fiqh* and was completed in 637/May 28, 1240<sup>29</sup>.

The author uses *fiqh* issues (fatwās), mostly in Arabic and Persian, answered by the Ḥanafī

scholars and ‘ulamā’s who acted by the 13th century. Among them we have over 100 well-known scholars’ and mujtahids’ fatwas, concerning various social, economic and cultural issues, covering several sacred practices, such as ablution, prayer, alms tax, a monthly fasting, hajj (making pilgrimage to Mecca); topics like marriage, divorce (*talaq*), vow (*qasam*), offence and punishment, trade, *halal* (permitted by *shari’a*, clean), *haram* (not admitted by *shari’a*, unclean) and so on. This book includes lots of titles of famous works on *fiqh* and *fatwa* as well as questions and answers obtained from those books. It would not be exaggeration to say that the *shari’a* issues dealt with in the book are not restricted to the period when al-Ustrūshanī lived, but are still relevant to present-day issues. Al-Ustrūshanī made use of over seventy works on *fiqh* and *fatwa* in writing “*al-As’ila wa-l-ajwiba*”. These sources were and are regarded as essential to any work on *shari’a*.

In conclusion, studying the glorious history of our country objectively and conveying it impartially is a requirement of the times. The book by Muḥammad bin Maḥmūd al-Ustrūshanī, which is presented to your attention, is the product of a wise state policy and, in a word, one of the fruits of the New Uzbekistan.

## CONCLUSION

The intellectual history of Mawarannahr cannot be fully understood without acknowledging the profound contributions of its regional scholarly centers, among which Ustrushana occupies an important yet previously underexplored place. The present study demonstrates that Ustrushana was not only a geographical region but also a dynamic environment that nurtured a lineage of distinguished jurists and theologians who played a vital role in the development of Islamic scholarship in Central Asia. Among these scholars, Majd al-Dīn Abū al-Faṭḥ Muḥammad b. Maḥmūd al-Ḥusayn al-Ustrūshanī stands out as one of the most influential figures of the late twelfth and early thirteenth centuries.

Through newly examined manuscript materials—most notably the rediscovered *al-As’ila wa-l-Ajwiba*—this study corrects several long-standing inaccuracies in al-Ustrūshanī’s biography and intellectual chronology. The manuscript provides updated evidence showing that the scholar remained active beyond the date previously cited as his year of death and offers valuable information about his teachers, family lineage, and

<sup>27</sup> Brockelmann C. Geschichte der arabischen Litteratur. Erster Supplementband. – Leiden, 1937, S. 653; Халидов А.Б. Арабские рукописи и арабская рукописная традиция. М.: “Наука” 1985. С. 206–207.

<sup>28</sup> Brockelmann C. Geschichte der arabischen Litteratur. Erster Supplementband. – Leiden, 1937, S. 653

<sup>29</sup> al-Ustrūshanī. *Al-As’ila wa-l-ajwiba*. Manuscript of the Abū Rayḥān al-Bīrūnī. № 2533/III, F. 46<sup>a</sup>

scholarly environment. These findings deepen our understanding of the transmission of Hanafi jurisprudence during a period marked by political turbulence and intellectual transformation in Central Asia.

The analysis of al-Ustrūshanī's major works—*Kitāb al-Fuṣūl*, *Jāmi' Ahkām aṣ-Ṣighār*, *Qurrat al-'Aynayn*, *al-Qurūd wa-d-Duyūn*, and *al-As'ila wa-l-Ajwiba*—reveals the breadth of his legal thought and his exceptional ability to synthesize authoritative opinions from more than a hundred scholars of the Hanafi school. His treatise *Jāmi' Ahkām aṣ-Ṣighār*, in particular, represents an unparalleled legal monument: the earliest comprehensive codification devoted entirely to children's rights in Islamic jurisprudence and arguably in world legal history. By addressing issues such as guardianship, lineage, education, protection, and child welfare with remarkable depth and clarity, al-Ustrūshanī established a normative framework that anticipated modern concepts of child protection by several centuries.

These findings show that the legal and ethical foundations of children's rights were articulated in historical Mawarannahr long before they emerged in Western legal thought. This reinforces the argument that Central Asia—and Uzbekistan in particular—possesses a deeply rooted intellectual heritage in which justice, social responsibility, and human dignity occupied central positions. It also highlights why al-Ustrūshanī's legacy holds renewed relevance today, as Uzbekistan advances policies aimed at safeguarding children's rights, strengthening family values, promoting tolerant education, and developing youth-oriented legislation in line with global standards.

Finally, this study underscores the importance of reintroducing the works of Ustrushana's scholars into modern academic circulation. Many of al-Ustrūshanī's manuscripts remain insufficiently studied, and their critical editions, translations, and thematic analyses represent a promising field for future research. Examining these texts in greater depth will not only enrich our understanding of medieval legal culture but also contribute to the preservation and appreciation of Uzbekistan's historical intellectual heritage.

In conclusion, the rediscovery and scholarly reassessment of al-Ustrūshanī's oeuvre—especially his pioneering contributions to the rights of children—serves as a powerful reminder that the foundations of humanistic legal thought in Central

Asia were laid centuries ago. His works stand as a testament to the intellectual brilliance of Ustrushana and continue to offer valuable guidance for contemporary legal, ethical, and social challenges in the modern era.

## REFERENCES

1. Muḥammad bin “Abd al-Ḥay al-Hindī al-Laknavī. *Al-Fawā'id al-bahīya fī tarājim al-ḥanafīya*.” – *Bayrūt: Dār al-ma'rifa*, (1972). – P. 95; 141–157; 200; 219–220.
2. Özel, A. "Hanefi Fikih Alimleri." (1990).
3. Abū Muḥammad “Abd al-Qādir bin Abī-l-Wafā' al-Qurashī. *Al-Jawāhir al-muḍīyya fī tabaqāt al-ḥanafīyya*.” – *Hijr li-t-tibā'a wa-n-nashr*, (1993). – T. II. – P. 627–629; T. III. – P. 55; T. IV. – P. 243; T. III. – P. 366.
4. Mustafā “Abdullah Hājī Khalīfa.” *Kashf az-zunūn ‘an asāmī al-kutub wa-l-funūn*.” – *Al-Qāhira*, b.y. – T. I. – P. 55; T. II. – P. 93.
5. Khayr ad-dīn az-Ziriklī. *Al-A'lām*. – Bayrūt, 1999. – T. VII. – P. 86.
6. Ismā'īl Bāshā al-Baghdādī. *Hadīyat al-‘arīfīn*. – Bayrūt, 1992. – T. II. – P. 113.
7. Kaḥḥāla ‘Umar Riḍā. *Mu'jam al-mu'allifīn*. – Dimashq, 1960. – T. XI. – P. 317–318.
8. al-Kafawī. *Muntahab kata'ib a'lām al-ahyār min fuqahā' mazhab an-Nu'mān al-muhtār*. – Qo'lyozma. Abu Rayhon Beruniy nomidagi Sharqshunoslik instituti, № 2533/IV, F. 144b.
9. ‘Abd al-Qādir bin Muḥammad Amīn. *Majmū' al-ansāb wa-l-ashjār*. – Qo'lyozma. Prof. Sh. Vahidov shaxsiy to'plami, Toshkent, № 201, F. 133b.
10. al-Ustrūshanī Muḥammad bin Maḥmūd. *Kitāb al-fuṣūl*. – Qo'lyozma. Abu Rayhon Beruniy nomidagi Sharqshunoslik instituti, № 3245, F. 5a; 107a; 194b; 215a; 225b.
11. al-Ustrūshanī Muḥammad bin Maḥmūd. *Al-As'ila wa-l-ajwiba*. – Qo'lyozma. Abu Rayhon Beruniy nomidagi Sharqshunoslik instituti, № 3109/I, F. 70b; № 2533/III, F. 36a; 42a; 46a.
12. al-Ustrūshanī Muḥammad bin Maḥmūd. *Qurrat al-'aynayn fī iṣlāḥ ad-dārayn*. – Qo'lyozma. Egypt National Library, № 1/340.
13. *Sobranie vostochnykh rukopisei Akademii nauk Uzbekskoi SSR / Pod red. A.A. Semenova i dr.* – Tashkent, 1952–1987. – T. IV. – S. 213–214; 256–257 (Inv. № 9634).
14. Muminov A.K. “Kata'ib a'lām al-ahyār” al-Kafawī kak istochnik po istorii islama v Maverannakhre (III/IX–VIII/XIV vv.) : dis. ... kand. ist. nauk. – Leningrad: Institut vostokovedeniya, 1991. – S. 85.



- 
- |                                                                                                                          |                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 15. Brockelmann C. "Geschichte der arabischen Litteratur. Erster Supplementband." – <i>Leiden</i> , (1937). – S. 653.    | 18. Bartold V.V. Sochineniya. – T. I. – Moskva, 1963. – S. 415–431.                                                                     |
| 16. Brockelmann C. "Tārīkh al-adab al-‘arabī. Al-qism ath-thālith." – <i>Cairo</i> , 1993. – P. 714–715.                 | 19. Mirziyoyev Sh.M. "Yangi O‘zbekiston taraqqiyot strategiyasi. 2-nashr." – <i>Toshkent: O‘zbekiston nashriyoti</i> , (2023). – S. 58. |
| 17. Khalidov A.B. "Arabskie rukopisi i arabskaya rukopisnaya traditsiya." – <i>Moskva: Nauka</i> , (1985). – S. 206–207. | 20. Saidov A.Kh. "A deep look into our national history of children’s rights." – S. 19–20.                                              |

**Source of support:** Nil; **Conflict of interest:** Nil.

**Cite this article as:**

Ataev, M. " A Source Bringing Together Children’s Rights." *Sarcouncil Journal of Arts and Literature* 4.6 (2025): pp 10-18.