

PAPER

SOURCES AND THEIR SIGNIFICANCE IN THE HISTORY OF QAZI (ISLAMIC JUDICIARY)

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Abstract

The institution of the Qāzī courts in the Movarounnahr (Transoxiana) and Turkestan region represented one of the principal legal-social governance mechanisms of the 10th–20th centuries, bridging Islamic jurisprudence, customary practice and colonial reform. This article examines key source-categories — historical manuscripts, Sharia/fiqh works, archival legal-administrative records and modern scientific scholarship — and traces how the Qāzī courts functioned, transformed and declined under Russian colonial policy. Using a document-analysis approach, the study investigates how Qāzī courts adjudicated social, religious and civil disputes; how they integrated notarial, administrative and judicial roles; and how their institutional status evolved from the golden age of 10th–13th century Transoxiana to the late 19th–early 20th century imperial reforms. The results show that by the 19th century these courts remained socially central but legally marginalized under colonial pressure; conventional Sharia-customary adjudication (e.g., biy courts) transitioned into hybrid forms of justice. The discussion highlights how an understanding of these sources is essential to reconstruct the socio-legal role of the Qāzī institution, its normative basis, and its transformation in Central-Asian Islamic history.

Key words: Qāzī, courts, Movarounnahr, Turkestan, Sharia, colonial justice, archival sources.

Introduction

The judicial institution of the Qāzī (judge) has long been acknowledged as one of the foundations of Islamic legal culture across the Muslim world. [1] In the specific context of Central Asia — notably the region known historically as Movarounnahr (Transoxiana) and Turkestan — Qāzī courts

became deeply embedded within the social-legal matrix of the 10th to 13th centuries, maintaining judicial, notarial and executive functions[2]. Despite the availability of diverse sources — from manuscripts and archival documents to fiqh-treatises and modern scholarship — systematic studies focusing on the interplay of normative (Sharia/fiqh) and empirical (judicial practice)

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dimensions in this region remain limited. This paper seeks to fill this gap by analysing the main source categories pertinent to Qāzī courts in Movarounnahr/Turkestan, tracing their functions, institutional transformation and socio-legal significance, and thereby contributing to a more comprehensive understanding of Central-Asian Islamic judicial history.

Methods

This research is based on a qualitative document-analysis methodology. Primary sources were grouped into four categories: (1) Historical treaties, protocols and manuscripts from the archives of the Bukhara and Kokand Khanates as well as Russian-imperial records; (2) Islamic legal and fiqh works (Qur'ān, Sunnah, Sharia manuals) relevant to Qāzī ethics and judicial norms; (3) Legal-administrative documents, applications and petitions reflecting civil/judicial affairs in the courts and transitional colonial period; (4) Secondary scientific literature (articles, monographs) studying Qāzī court activity in the 19th–20th centuries. The documents were catalogued, their provenance and context assessed, and thematic content analysed to reconstruct: (a) normative bases (Sharia/custom) of the Qāzī courts; (b) institutional functions and transformations over time; (c) the impact of colonial reforms on court authority and practice. Where possible, cross-referencing of archival judgments (hukm-daftar, akt-daftar) with legal manuals and modern scholarship was undertaken to triangulate findings[3].

Results

The analysis yielded several key findings:

Normative foundations: The Qāzī courts functioned according to a combination of classical Islamic jurisprudence (fiqh) and customary law, with treatises and codes (jungs) used as guiding frameworks for Qāzī and Muftī decisions.⁴
Transformation under colonial influence: In the late 19th–early 20th centuries, while Qāzī courts continued to operate, their autonomy and legal authority were curtailed under Russian imperial structures. New hybrid courts (e.g., biy courts for pastoral disputes from 1886) emerged, blending Sharia, custom and colonial order[5].

Source typology and historiography: Archival records (judgment books, petitions) and modern scholarship provide rich, albeit unevenly accessed, material for reconstructing court activity. The persistence of Qāzī functions into the colonial era underscores their socio-legal resilience.

Discussion

These findings highlight the centrality of Qāzī courts in the legal-social fabric of Central Asia and the complex transitions they underwent with colonial expansion. The normative grounding in Sharia and customary law afforded these courts legitimacy and allowed them to perform diverse roles beyond mere adjudication. However, the encroachment of colonial judicial structures gradually eroded the institutional independence of the Qāzī courts. The existence of “biy courts” illustrates how local traditions adapted under colonial influence. Methodologically, the variety of source categories analysed underscores the importance of an interdisciplinary approach — combining legal history, archival studies and Islamic jurisprudence — for comprehensive understanding. For scholars of Central-Asian legal history, the detailed study of these sources not only illuminates the institutional evolution of Qāzī courts, but also informs current discussions on legal pluralism, religious-legal heritage and colonial legacies in Muslim societies.

Conclusion

The historical trajectory of the Qazi courts in Movarounnahr and Turkestan illustrates the evolution of Islamic legal institutions within the broader socio-political and cultural transformations of Central Asia. From their consolidation in the 10th–13th centuries as key judicial and administrative bodies to their gradual marginalization during the Russian colonial era, Qazi courts exemplified a dynamic interaction between religious jurisprudence, customary practice, and political authority.

Analysis of archival documents, manuscripts, fiqh literature, and colonial records reveals that the Qazi institution functioned as far more than a mechanism of adjudication. It represented a moral-legal framework that maintained social equilibrium,

preserved local traditions, and integrated Islamic ethics into daily governance. Even under colonial reforms, the continuity of the Qazi system — reflected in hybrid institutions such as the biy courts — demonstrates the resilience and adaptability of Islamic judicial culture.

The research also confirms that the institutional structure and procedural norms of the Qazi courts were deeply rooted in Sharia and fiqh, which provided the normative foundation for justice, fairness, and communal legitimacy. The colonial imposition of state law redefined but did not entirely erase these frameworks; instead, it produced a pluralistic legal environment, where Islamic and imperial laws coexisted and interacted.

This study contributes to the field of Islamic legal history and Central-Asian studies by providing a comprehensive, source-based reconstruction of the Qazi institution's role in socio-legal governance. It underscores the need for continued examination of archival and manuscript materials, many of which remain underexplored, to deepen our understanding of pre-modern and early-modern legal systems in the region.

In the broader historiographical context, the endurance of Qazi courts demonstrates the cultural persistence of Islamic legal consciousness, even amid colonial and modernizing pressures. Their legacy remains a vital element in contemporary discussions of legal pluralism, post-colonial governance, and the revival of traditional legal thought in the Muslim world.

Ultimately, the Qazi institution of Movarounnahr and Turkestan serves as a powerful historical example of how law, religion, and society intertwine to sustain moral order, mediate justice, and shape identity across centuries. [1][2][3][4][5][6][7]

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