



THE LEGAL SYSTEM IN THE TERRITORY OF MODERN UZBEKISTAN DURING THE MIDDLE AGES

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ABSTRACT

The medieval legal system of the territory corresponding to modern Uzbekistan developed as a complex and adaptive structure shaped by Islamic jurisprudence, customary legal norms, and state administrative practices. From the ninth to the fifteenth centuries, successive political entities—including the Samanids, Karakhanids, Khwarazmshahs, and the Timurid Empire—established legal institutions that regulated social relations, economic activity, and governance. This article examines the historical background, sources of law, judicial institutions, and substantive legal fields of the medieval legal system in Uzbekistan. Particular attention is given to the interaction between Sharia, customary law, and state authority, as well as to the role of legal scholars and courts in maintaining legal continuity. The study argues that legal pluralism constituted a defining feature of medieval Central Asian governance and ensured both stability and adaptability in a socially diverse environment.

During the Middle Ages, the territory of modern Uzbekistan occupied a central position in the political, economic, and cultural life of Central Asia. The region was governed by influential dynasties such as the Samanids, Karakhanids, Khwarazmshahs, and the Timurids, whose rule contributed to the formation of durable legal institutions.¹ These institutions were shaped by Islamic legal principles, local customary traditions, and the administrative requirements of centralized states.

The medieval legal system of Uzbekistan cannot be understood as a uniform or static order. Rather, it functioned as a pluralistic system in which religious law, custom, and political authority interacted in complex ways.² This article analyzes the structure and functioning of this system, contributing to broader discussions on pre-modern Islamic legal culture.

The Islamization of Central Asia in the eighth century marked a turning point in the region's legal history. Following the Arab conquests, Islamic norms gradually replaced earlier legal frameworks, particularly in urban centers. By the ninth century, Islamic law had become

¹ Richard N. Frye, *The History of Central Asia* (Princeton: Princeton University Press, 1996), 112–130.

² Wael B. Hallaq, *An Introduction to Islamic Law* (Cambridge: Cambridge University Press, 2009), 25–27.

firmly institutionalized under the Samanids, who actively promoted religious scholarship and administrative organization.³

Cities such as Bukhara and Samarkand emerged as major centers of jurisprudence and learning, hosting madrasas, courts, and scholarly networks.⁴ At the same time, pre-Islamic legal traditions continued to influence everyday practice, especially among rural and nomadic populations.

Islamic law (Sharia) constituted the primary source of legal regulation in medieval Uzbekistan. Its foundations lay in the Quran, the Sunnah, ijma (consensus of jurists), and qiyas (analogical reasoning).⁵ Sharia governed religious obligations, family relations, property rights, commercial transactions, and criminal behavior.

The Hanafi school of jurisprudence dominated Central Asia. Its emphasis on rational reasoning (*ra'y* and *istihsan*) allowed jurists to adapt legal norms to local social and economic conditions. Foundational legal manuals, particularly al-Marghinani's *al-Hidaya*, were widely used in judicial practice and legal education.⁶

Customary law (*urf* or *adat*) functioned as an important supplementary source of law. It regulated land tenure, water distribution, inheritance customs, and mechanisms of dispute resolution, particularly in rural and nomadic communities. Jurists generally accepted customary norms when they did not contradict Sharia principles. The coexistence of Islamic and customary law enhanced legal legitimacy and ensured social cohesion, reflecting the pluralistic nature of medieval Central Asian society.

State authority manifested itself through decrees, edicts, and administrative regulations issued by rulers. These acts addressed taxation, military service, land grants, and public administration. Systems of land tenure, such as *iqta*, were regulated primarily through state law.

Although rulers were theoretically bound by Sharia, they exercised considerable discretion in administrative and political matters. This duality reflected a balance between religious legitimacy and effective governance.⁷

The qadi served as the central judicial authority in medieval Uzbekistan. Appointed by rulers or religious elites, qadis administered justice according to Sharia. Their jurisdiction extended to civil disputes, family law, inheritance cases, and certain criminal offenses.⁸ Judicial procedures relied on written documents, witness testimony, oaths, and confessions. The legitimacy of judicial decisions depended largely on the scholarly competence and moral integrity of the qadi.

Islamic scholars (*ulama*) played a crucial role in shaping legal interpretation and practice. They functioned as judges, educators, legal advisers, and authors of jurisprudential works. Madrasas in Bukhara and Samarkand trained generations of jurists, ensuring continuity in legal knowledge.¹⁵

³ C. E. Bosworth, *The New Islamic Dynasties* (Edinburgh: Edinburgh University Press, 1996), 90–95.

⁴ Devin DeWeese, *Islamization and Native Religion in the Golden Horde* (University Park: Penn State Press, 1994), 41–44.

⁵ Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Oxford University Press, 1964), 1–5.

⁶ Burhān al-Dīn al-Marghīnānī, *al-Hidāya fī sharḥ Bidāyat al-mubtadī* (Cairo: Dār al-Ḥadīth).

⁷ Ibid., 118–121.

⁸ Schacht, *Introduction to Islamic Law*, 49–52.

Alongside religious courts, rulers maintained administrative judicial mechanisms to deal with matters involving state security and political authority. In some cases, the ruler acted as the supreme judicial authority, particularly in disputes involving high-ranking officials.

Criminal law followed classical Islamic legal classifications: *hudud*, *qisas*, and *ta'zir*. Hudud crimes included theft, adultery, false accusation, and alcohol consumption, each carrying fixed punishments. Qisas applied to cases of homicide and bodily injury, allowing for retaliation or financial compensation (*diya*).

Ta'zir offenses allowed judges and rulers discretion in determining punishment, enabling the legal system to respond flexibly to specific social and political circumstances.

Civil law regulated property relations, contractual obligations, family matters, and inheritance. Marriage and divorce were governed by Sharia, defining the rights and duties of spouses. Inheritance laws ensured predictable distribution of property and contributed to social stability.⁹

Commercial law was particularly significant due to the region's role in Silk Road trade. Legal norms emphasized honesty, written contracts, witness testimony, and the protection of property, facilitating long-distance commerce.

The Timurid period represented a significant phase in the evolution of legal governance. While Sharia-based institutions continued to operate, state regulations and military law gained greater prominence. Timur's legal and administrative principles, reflected in the *Tuzuk-i Timuri*, illustrate the interaction between Islamic norms and centralized authority. Timurid rulers actively patronized madrasas and legal scholars, reinforcing the institutional role of the ulama and ensuring continuity in legal practice.¹⁰

The medieval legal system in the territory of modern Uzbekistan was characterized by legal pluralism, institutional continuity, and normative flexibility. By integrating Islamic law, customary traditions, and state authority, it effectively regulated social relations, economic activity, and political governance. This legal heritage formed a durable foundation for later developments in Central Asian legal culture and contributes to a deeper understanding of pre-modern Islamic legal systems as socially embedded institutions.

References:

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⁹ Hallaq, *Sharī'a*, 271–279.

¹⁰ *Tuzuk-i Timuri* (Timur's Code), Persian manuscript tradition.

- 8.Schacht, Introduction to Islamic Law, 49–52.
- 9.Hallaq, Sharīʿa, 271–279.
- 10.Tuzuk-i Timuri (Timur's Code), Persian manuscript tradition.

