



Sharia Courts in Colonial Tashkent: A Study of Qāḍī Records and Social Dynamics (1865-1917)

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Abstract

This article examines the *qāḍī* (Islamic judge) records in Tashkent during the Russian colonial period (1865-1917) as a vital source for understanding the social and legal history of Muslim communities in Central Asia. Following administrative reforms implemented by the colonial government, Islamic courts were required to systematically record judicial proceedings in two types of documents: *akt daftar* (transaction records) and *hukm daftar* (judgment records). This study employs a social-historical approach using document analysis, with primary data drawn from colonial archives containing *qāḍī* records. The researcher investigates the institutional structure of Islamic judiciary, documentation systems, legal language used, and transformations in Islamic legal practices under colonial influence. The findings reveal that despite experiencing administrative changes driven by colonial governance, the *qāḍī* records remained a significant reflection of the community's social and economic life. These documents illustrate legal practices related to trade, rental agreements, inheritance, endowments (*waqf*), and labor contracts, while also showing the interaction between Islamic legal traditions and colonial regulation. Furthermore, the *qāḍī* records provide insight into colonial efforts to control local religious institutions and their role in society. Thus, the study of *qāḍī* records offers a significant contribution to the legal and social history of Muslim communities in colonial Central Asia.

Keywords: Tashkent, Russian colonialism, Turkestan, Islamic court, legal documents, *qāḍī*, social history.

Introduction

In 1808-1865, under the rule of Khoqand Khanate (1709-1876), in Tashkent were appointed separate judges and a wide range of Islamic scholars. *Qāḍī-kalān* was a chief judge, *qāḍī al-quḍāt* - a grand judge, *qāḍī* - judge, *qāḍī 'askar* - a military judge, who sometimes solved problems in civil cases. Some judges, as in other regions of Central Asia, were also given the position of *ra'īs*

(local police chief), and they were called *qāḍī-ra'īs*. Judges' jurisdictions were defined by rulers or local governors. At that time the city was divided into four local administrative districts (*daha*), which were called Sibzar, Shaykh-khawand-tahur, Bish-yaghach, and Kukcha. However, there was no permanent tradition of appointing a separate judge for each district.

In the sharia court of Tashkent were more than 15 *muftīs* (religious officials, qualified to issue fatwa), and '*alams* (senior jurists, over range of *muftī*), who were also appointed by royal decree of the ruler of the Khoqand Khanate or the city governor. The part of legal documents, which complied at this time, are stored in the Collection of the Tashkent chief judge, and the fund of the chancery of the Governor of the Syrdarya Region¹ of the National Archive of Uzbekistan². Some documents are in the Biruni Institute of Oriental Studies, as well as in the hands of private collections of Tashkent residents.

After the capture of Tashkent by the Russian Empire in 1865, the judicial system in the city gradually changed. First except for the *qāḍī*, *muftī* and '*alam*, all other major religious officials of the city, such as the *qāḍī al-quḍāt*, *qāḍī 'askar*, *shaykh al-islām*, *ra'īs*, *naqīb*, and *sadr* were abolished. Only the post of the chief judge (*qāḍī-kalān*) was preserved, because the person holding this position, Hakim-khwaja 'Alawi, had a very high authority among the population. At that time, he worked as the chief judge, and as the judge of the Sibzar district. However, after Hakim-khwajas death in 1870, his position was abolished, and only four judges remained in the city.

As a result of the establishment of Turkestan general-governorship in 1867 judges and their daily routine in the area had undergone large-scale reforms³. According to newly introduced orders, Turkestan established three

¹ The funds of the National Archive Uzbekistan are divided into two main sections, with the letter "I" (*Istoricheskii*, i.e. Historical period) representing materials before the Revolution in Turkestan (1917) and the letter "R" (Republican period) corresponding to materials after the Revolution. The archival collections are indicated respectively with the following Russian abbreviations: "fund", "op." (*opis'*), "d." (*delo* - folder), and "l.", "ll." (*list* - folio).

² National Archive of Uzbekistan. Fund I-164. The Collection of the Tashkent chief judge; National Archive of Uzbekistan. Fund I-17. The chancery of the Governor of the Syrdarya Region

³ See: Sartori P. Judicial Elections as a Colonial Reform. The *Qadis* and *Biys* in Tashkent, 1868-1883 // Cahiers du Monde russe. 2008. 49/1. P.79-100.

types of sharia courts: individual judges elected to 3 years terms, the assembly of judges elected from among them, and the assembly of judges on extraordinary cases. Disputed or unsolved issues were to be considered by the assembly of judges of a collegiate nature. The Colonial administration of Turkestan appointed assemblies of judges on extraordinary cases in their turn to resolve issues between the residents of various administrative units (*uezd*, *volost'*). They obeyed certain rules prescribed for the assembly of judges⁴. At this time four permanent sharia courts were formed in four administrative districts of Tashkent.

This judicial system in Tashkent was further strengthened during the reforms in this area in subsequent years. In 1884, according to the suggestions of the Commission for Establishment of Religious Administration in Turkestan, four judges were appointed in Tashkent city (including Niyaz-bik and Zangi-ata villages) and eleven judges to Qurama uyezd (after 1887 Tashkentskii uyezd)⁵.

It was determined that every judge was assisted with one a'lam and two muftīs. Later, it was prohibited for judges, a'lam, and muftīs to perform activities as teachers (*mudarris*) at the madrassas, and waqf administrators (*mutawallī*)⁶. The assemblies of qāḍīs (*s'ezd kaziev*), in form of collegial nature, consisted of district qāḍīs in Tashkent and volost' qāḍīs in the province. Their leader was called *ṣadr-nīshīn* who usually elected among them. Qāḍīs of the Tashkent city held meetings twice a week and those in the province had four times a month. The four-tier judicial system of Tashkent and its forms of office work were preserved after the 1917 revolution with minor changes. According to the decree of December 23, 1922, a Sharia court based on the Criminal Code of the Turkestan Autonomous Soviet Socialist Republic (TASSR, 1918-1924) was laid. Later, the Sharia courts of Tashkent were abolished by the decree of February 18, 1928, of the Uzbekistan SSR (1924-1991).

⁴ Polojenie ob upravlenii Turkestanskogo kraia. Izdania 1892 goda, pp. 230-236, 237-246, 247-247.

⁵ National Archive of Uzbekistan. Fund I-1, op. 11, d. 326, ll. 46ob, 48ob-49.

⁶ National Archive of Uzbekistan. Fund I-1, op. 1, d. 14938, ll. 1-1ob.

Research Methodology

This study employs a qualitative approach using historical analysis and document study methods. The primary focus is on *qāḍī* records documented in Russian colonial archives, particularly those related to the activities of the sharia courts in Tashkent between 1865 and 1917. Primary data are drawn from official documents such as *akt daftar* (transaction records) and *hukm daftar* (judgment records), preserved in national archives and manuscript collections of academic institutions in Central Asia and Russia. The analysis was conducted in several stages. First, the documents were inventoried and classified by type and legal theme (e.g., commercial transactions, inheritance, waqf, labor contracts). Second, each document was analyzed in its socio-historical context, taking into account colonial legal interventions and local adaptations. Third, the study examined the legal language and terminology used in the records—written in Arabic, Persian, or Chagatai Turkish—to understand how Islamic law was formally documented. Finally, the findings were interpreted and synthesized to construct a historical narrative about Islamic legal practices, institutional transformations, and the impact of colonialism on the social life of Muslim communities in Tashkent. To ensure data validity, the study also cross-referenced primary sources with secondary literature, including colonial reports, Russian officials' memoirs, and previous scholarship on Islamic courts in Central Asia. This approach enables a deeper understanding of local legal dynamics within the broader framework of colonial governance.

What Is the Qāḍī Record in Colonial Turkestan?

Indeed, Central Asian *qāḍīs* did not keep registers before colonization—or, at least, not a single register from a period preceding the Russian conquest is known to have survived.

One of the requirements established as part of the reform of the Sharia courts in Turkestan was the obligation to keep a permanent record of judicial

proceedings in special ledgers⁷. The ledgers are divided into two types, first called records of transactions (in Russian: *kniga aktov*; in Uzbek: *akt daftar*), and second records of decisions (in Russian: *kniga resheniy*; in Uzbek: *hukm daftar*). Today there are several qāḍī records related to judges and the assembly of judges of cities, other administrative units of Syr-Darya (1867-1917), Samarqand (1886-1917, until 1886 Zaravshan okrug), and Fergana (1876-1917) provinces and Amudarya okrug (1873-1917)⁸ of Turkestan general-governorship kept in the National Archive of Uzbekistan in Tashkent⁹. Some records from the judges of Khiva Khanate under protectorate time are kept in the Al-Biruni Institute of Oriental Studies. These four volumes in Uzbek language registered more than 28200 judicial proceedings between 1893 and 1912¹⁰. It should be taken into account that, cut "sheets" from the page of the qāḍī records are also widely distributed in manuscript funds or family archives from Central Asia¹¹. Such sheets, written on factory paper with seals of Sharia court are very similar to an original legal document. But one should not confuse such a sheet with the original legal document. Because the fragments of court decisions, as a result of the reviewed case, were one of the rules for filling out the qāḍī records. For this, special places are made with a line indicating the line so that they can be cut neatly.

The largest of the qāḍī records collections in Colonial Turkestan belongs to judges of four districts of Tashkent and assemblies of judges in 1868-1924. The given collection is divided into six separate funds:

I-362. The assembly of the Tashkent city judges, total 59 *delo*. 1869-1916.

I-363. Judge of Bish-yaghach district, total 97 *delo*. 1869-1916.

⁷ Sartori P. Visions of Justice Sharī'a and Cultural Change in Russian Central Asia. Leiden-Boston: Brill, 2016. P.55.

⁸ Turkestan general-governorship was divided into five *oblasts'*, each *oblast'* divided into *uyezd*, the *uyezds* into *volosts*.

⁹ See: Agafonova Z.I., Khalfin N.A. Putevoditel'. Tsentral'noi gosudarstvennyi arkhiv (TsGA RUz.). Tashkent, 1948, pp. 90-99.

¹⁰ Sobraniye vostochnykh rukopisey (SVR). Istoria. Tashkent, 1998. P.394-396; Katalog khivinskikh kaziyskikh dokumentov XIX - nachalo XX vv. Tashkent-Kiyoto, 2001. P.vi.

¹¹ Welsford T., Tashev N. A Catalogue of Arabic-Script Documents from the Samarqand Museum. Samarqand, 2012. P.682.

I-364. Judge of Kukcha district, total 91 *delo*. 1870-1924.

I-365. Judge of Sibzar district, total 94 *delo*. 1869-1924.

I-366. Judge of Shaykhantahur district, total 111 *delo*. 1868-1923.

I-36. Chancery of the Head (*nachal'nik*) of the Tashkent city, 1878-1880.

There are approximately 20 folders of qāḍī records from four districts of the city¹². Another record of the judge of the Kukcha district from 1887 is preserved in the manuscript collection of the Biruni Institute, which was already published in 2016¹³. Most of the documents are bound in hardcover, while some are in blue or gray paperback. In total, the National Archive of Uzbekistan holds ca. 500 folders, with each folder containing between 30 and 150 pages.

Initially, these records were kept by the *aqsaqals*¹⁴ of four city districts. They consisted of announcements and orders, as well as incidents and accidents (robbery, violence, and various types of disorders) in the old part of Tashkent - Iskī Shahar (Old City). They were approved by the seal of aqsaqals. Afterward, due to changes in the system of records management in the municipal administration, the practice of keeping records by aqsaqāls was discontinued and this task was consigned to qāḍīs. Meanwhile, there were no more announcements of administrations but the contents of examined cases in qāḍī-courts were put down.

According to established rules the judges had to buy special books for records at their expense from the office of the head of Tashkent. For this, they submitted an official statement. The records were handed over to judges after being sealed by the administration and signed by the head of the city and relevant officers of the office (head of department, office secretary, and clerk) which was stitched with a loop of thread. Since the date indicated on the register is before the date when the judges had begun using the records one can say that the case was examined before the record was handed over to judges.

¹² National Archive of Uzbekistan. Fund I-36, op. 1, d. №№ 1657-1660, 1870-1877, 2168-2871.

¹³ Aminov H, Sultonov U. Qāḍīs Register in Colonial Turkestan: Tashkent, 1887. Tashkent, 2016. 306 p.

¹⁴ *Aqsaqāl* - elder or representative of cities urban quarters or villages.

Records were given at the beginning of each year, and when they ended before the year was over, a new one was issued. For instance, folder No. 11 of the Kukcha district qāḍī began in October 1887, and continuities in folder No. 10 of the same case¹⁵. Once the register was full, it was to be returned to the office of the head of the city of Tashkent. Over time, the city officials made efforts to improve the management of qāḍī registers. In particular, the city administration introduced changes by standardizing the internal structure of registers and their daily routines to check them whenever necessary. That's why the registers of the 1860s and 70s differ from the later ones in their internal structure.

In general, the qāḍī records are divided into the record of deeds (*kniga aktov*), which is used to register the deed of sale (*bay'i bātt*, *bay'-i jā'iz*), rent contract (*khatt-i ijāra*), sharia court order (*hukm*), acknowledgment letter (*khatt-i iqrar*), distribution of property (*taraka*), attorney letter (*khatt-i wakālat*), guardianship (*waṣī*), testament (*waṣiyat*), and the record of solutions (*kniga reshenii*) to detail occurrences and their consequences with a brief description. A special instruction was designed to manage the qāḍī records properly, and it was required to turn specific pages of the register into charts, as well as introduce how to fill them in Russian and Uzbek in Arabic characters.

In the special chapter of the Statute of governing Turkestan dedicated to the daily routine of judges, there is a requirement in the solution record that allows ordinary people to get a reference from the specified part of the record and put their names on the remaining part. But the records show that this rule wasn't a general practice. For instance, the management of records by Judge of Sibzar in 1888 and Judge of Kukcha in 1887 is quite different. In the record of Judge of Kukcha, occurrences are quite brief while the Judge of Sibzar contains a detailed report on occurrences¹⁶. I think, the writing style of each record also heavily depended upon the secretary (*kātib*). As far as I know,

¹⁵ National Archive of Uzbekistan. Fund I-364, op. 1, d. 11.

¹⁶ National Archive of Uzbekistan. Fund I-365, op. 1, d. 13.

sometimes even the records produced during the tenure of the same judge can differ in their writing style due to the replacement of secretaries.

The peculiarities in the writing of records are explained by the not expertise of judges and their secretaries in the new system. In general, there were shortcomings in filling out the records. According to the criticism of the officer who was in charge of maintaining these records, there were mistakes in managing almost all records. In particular, the translator of records of judges of four districts of Tashkent and the assembly of judges in 1888, the court counselor (nadvorniy sovetnik) Bukhorov noted that there are mistakes in the records of all judges¹⁷. Indeed, “record of deeds” and “record of solutions” were managed by judges in different ways sometimes making distinguishing them from one another a difficult job.

Language, Text, Terminology, and Sealing

Until the conquest of the Russian empire, in the three khanates of Central Asia, the royal chancery, and the kadi chanceries the documents were prepared mainly in Persian and partly in Turkic. After the establishment of Turkestan General Governorship in 1867, Turkic (modern Uzbek) was introduced as the working language for local administration. However, it was not easy to switch to the Turkic language in the documentation of the sharia court chancery. Because it was impossible to quickly introduce into circulation the Turkic equivalent of the Arabic-Persian terms that had formed over the centuries in the preparation of legal documents. Probably this is why the influence of Arabic and Persian languages was preserved in the legal documents rather than in the administrative system. This, in turn, created bilingualism (Persian and Uzbek) in the writing of kadi documents and registers. However, except for a few cases, the Persian language retained its leading position in the drafting of legal documents in the sharia court chancery.

Official Muslim documentation, especially the practice of compiling legal documents, has undergone a long historical process. During this period, special

¹⁷ National Archive of Uzbekistan. Fund I-36, op. 1, d. 3006, ll. 8-9.

models were formed - forms for the use of a specific text, and terms related to Islamic law in judicial documents of different regions. Naturally, these changes are reflected in the qāḍī records, where the content of cases considered in court is recorded.

After 1865, a twofold change occurred in the text of traditional legal documents. First of all, the structure and composition of the documents underwent a process of adaptation to the requirements of the Western-style administrative system in effect in the Russian Empire. This is evident in such aspects as the date of our era, serial number, and the presence of a Russian translation next to the original text. The second change is in the text and content of the documents, i.e. do not pay attention to the letters denoting the sounds of Arabic words, move syllables in words, and write Russian-European words in locally pronounced forms. For example, *roburt* - in Russian "raport" (report), *chilon* - in Russian "chlen" (member), *isfracika* - in Russian "spravka" (certificate), *kiftansa* - in Russian "kvitansiya" (receipt) depends on.

Qāḍī records are mainly confirmed by small - simple "working" seals of the judges. They were small round, oval, and octagonal form. The repertoire of such small seals was very simple and brief (only the name and the name of the father of the owner of the seal and the date). Of course, large round "ceremonial" seals with the full names and titles of judges were also sealed in the records. Unlike the original document, the records are not sealed with the seal of Islamic scholars - the mufti and the a'lam.

The Content of Qāḍī Records

In terms of content and structure, the qāḍī records are very similar. They consist of the registration of different legal documents - wathīqa, such as sale deeds (*bay'i bat*), sale on pledge (*ba'-i jā'iz*), rent contract (*khatt-i ijāra*), claim (*khatt-i da'wā*), court decision (*ḥukm*), acknowledgment letter (*khatt-i iqrār*), cessation of the claim (*khatt-i ibrā'*), attorney letter (*khatt-i wakālat*), divorces (*ṭalāq*, *khul'*), deed of gift (*hiba*), legal exchange (*mubādala*), testament (*waṣīyat*, *waṣīyat-nāma*), reversal of sale (*iqāla*), waqf-nāma and others. Below, we will look at the features of some of these agreements.

In Islamic jurisprudence, a sale deed transaction is considered “ba’y”. In this context, the final sale of real estate is called “ba’y-i bat”. However, this form of transaction was also used in Central Asia from the 10th to the 16th centuries under the name “qabāla”. In practice, qabāla was used in a broader context than just a sale deed transaction. For example, leases and sale deed transactions were referred to as qabāla. Qadi Ikhtiyar (d. 1520)¹⁸, the author of “Mukhtar al-Ikhtiyar”, used the term qabāla for all written transactions¹⁹. The term ba’y-i bat was specifically used for sale deed transactions. Since the 16th century, qabāla gradually fell out of practice in drawing up Central Asian legal documents, and its place was firmly taken by the term ba’y-i bat.

The most of registered sale transactions in the *qāḍī* records pertain to private property. However, some of them are related to the sale of private properties (*uskuna*²⁰) on the waqf lands. As examples, one can see mutual trade agreements that took place in the rural settlements of Yaw-ariq, Chimir-ata, Aq-tipa Chighatay, Allan-ata, Qayraghach waqf lands of Nazar-bi, Biklar-bigi madrasa, and rural settlements of Tiwa-tartar and Uch-tipa waqf lands of Shaykh Zayn al-Din-bibi shrine, as well as others in the rural settlement of Achchi waqf land of Khwaja Ahrar madrasa and Friday Mosque in Tashkent²¹.

Another type of sale transaction was “*ba’y-i jāyīz*” contract. This meant the sale of the property on the pledge. Initially, this transaction was carried out under the name of “*ba’y al-wafā*”. In Asia Minor, it was in circulation under “*istīglāl*”. Ba’y-i jāyīz category occupies a permanent place in the works on Islamic jurisprudence written in the 15th-19th centuries in Central Asia and in the *Munsha’āt* genre (manuals on drafting judicial documents) of the region²².

¹⁸ Qāḍī Ikhtiyār was a famous Islamic scholar in the Timurid (1405-1510) and in the early Abulkhayrid (1510-1599) epoch. He worked as a judge in the cities of the Khurasan, Khwarazm, and Mawaraunnahr.

¹⁹ Qāḍī Ikhtiyār. *Mukhtār al-Ikhtiyār*. Al-Biruni Institute of Oriental Studies/Tashkent. Ms. No1583/II, ff. 82b, 91ab, 94a; 94ab, 117ab.

²⁰ *uskūna* or *sukniyāt* - the property, which is located in different types of properties.

²¹ Kūkcha qāḍīlārī daftarī. Al-Biruni Institute of Oriental Studies/Tashkent. Ms. №6361, ff. 13a, 20a, 27a, 36b, 46a, 81b, 86b, 110a, 111a, 112a, 128a, 140a.

²² Kabīr al-Dīn Samarqandī. *Fatawā-i Kabīrī*. Al-Biruni Institute of Oriental Studies/Tashkent. Ms. №3132/II, f. 216b; ‘Alī Khwārazmī. *Jawāmī’ al-‘Alīya*. Al-Biruni Institute of Oriental Studies/Tashkent. Ms. №9138, ff. 228a-228b; ‘Alī Khwārazmī. *Fatawā-i ‘Alīya*. Al-

In recent centuries, especially in the Khiva Khanate, *ba'y-i jāyīz* has become very popular²³. However, in Tashkent, until the 19th century, such a type of sale on pledge (*ba'y-i jāyīz*) was not found in waqf relations. There are very few documents about “*ba'y-i jāyīz*” transactions on private property²⁴. However, in the record of the judge of the Kukcha in 1893, it was noted that in the second half of that year, final sales (*ba'y-i bat*) were viewed 550 times, and sales on pledge (*ba'y-i jāyīz*) 390 times. Therefore, sales on pledges in Tashkent increased the number of sale transactions from the second half of the 19th century. This situation is probably related not only to the economic relations after the Russian conquest but also to the views of local Islamic scholars.

Registration of the claims (*khatt-i da'wā*) and court decisions (*ḥukm*) reflect conflicts and their results, that arose between people. Many claims of individuals reflected the division of inheritance between relatives, sometimes between different individuals and legal entities (madrasah and mosque communities, waqf administrations). As a result of the consideration of the claim in court, new documents were obtained, such as a court decision and an acknowledgment letter, reflecting the outcome of the claims.

In Central Asian Islamic diplomatics, the term *ḥukm* - decision refers to two documents with different contents. One is the ruler's decision containing a royal decree, the other is the judge's decision on a legal issue. After 1867, the judge's decisions were also registered in the *qāḍī* records. Although they were known by such names as *ḥukm-nāma* and *ḥaqīqat-nāma*. However, they were the judges' decisions on the case under consideration.

Most rent registrations are related to private property. There are very few notes of rent agreements in the realm of waqf relations. For example, in 1887, six rent agreements from waqf administrations were registered by the judge of Kukcha, and two by the judge of the Sibzar district. The problem is

Biruni Institute of Oriental Studies/Tashkent. Ms. №4833/IV, ff. 60a-61a; Majma' al-wathāyīq. Al-Biruni Institute of Oriental Studies/Tashkent. Ms. №7799, ff. 17b-19b.

²³ See: Katalog khivinskiikh kaziyskikh dokumentov XIX - nachalo XX vv. Tashkent-Kiyoto, 2001. P.668.

²⁴ National Archive of Uzbekistan. Fund I-164, op. 1, d. 15, ll. 15, 18, 54; *Kūkcha qāḍīlārī daftarī*. Ms. №6361, ll. 121b, 123b, 125a-127a, 129b-140b, 142a etc.

that in Tashkent, even original lease documents (*khatt-i ijāra*) related to waqf issues have been preserved in very few instances. This is evidenced by that out of 586 documents from the waqf administrations of Tashkent in 1887, only six were lease documents²⁵. This is due to the difference in the tradition of documentation of the Sharia court in Tashkent. Rent agreements for private property after 1867 are often registered.

Rent documents were written in the past tense in the lessee's or lessor's name. The same transaction can be made in several permitted forms. For example, the rent contract for the waqf property of the Mosque at the *Īskī Kafshfurūsh* (old shoemaker) was registered three times. It was registered for the first and second time on 18 and 20 Shawwal 1304 (10 and 12 July 1887), indicating that the contract was drawn up separately in the names of two lessees. It states that the lessees will pay 6 tanga per year for the land (12 tanga). This contract was recorded for the third time on 29 Shawwal 1304 (21 July 1887). This time, the agreement was concluded in the name of the mosque's waqf administrator - mutawalli. In it, the waqf property was leased to two people for 12 tanga (6 tanga each) per year. Thus, it can be said that at the request of the lessee or lessor, the rent transaction was drawn up in various forms and registered in the *qāḍī* records.

It is interesting to see rent agreements, of offering oneself for rent, executed by some workers and craftsmen. This rent agreement, written in Persian, tells us that a certain Dada-Muhammad-bay son of Muhammad-Salih-bay, residents of the town (*balda*) of Almati had rented the services of several men, originally from Qarategin, Bukhara, and Tashkent, for one year. The men offering themselves for rent had acknowledged their acceptance of the indicated money [as payment] and their consent to work for one year in Dada-Muhammad-bay's house in Almati and had relinquished any claims against their employer in case of accidents²⁶.

²⁵ Sultonov U. Waqf Administration in Tashkent Prior to and After the Russian Conquest: A Focus on Rent Contracts for the Kukeldaš Madrasa // *DER ISLAM*. Bd. 88. Hamburg, 2012, pp. 339-340.

²⁶ *Kūkcha qāḍīlārī daftarī*. Ms. №6361, l.105a.

In the document *khatt-i iqrār*, the person-acknowledger (*muqīr*) expresses his confession on a certain issue according to Sharia law. The acknowledger and acknowledgment act have their requirements, according to which the person must be an adult, of sound mind, a Muslim, and must confirm personally or on behalf of women and minors as an attorney (*wakīl*) or guardian (*waṣī*) in the presence of reliable witnesses. In the process of confirmation, he must make a clear confession (*sarīḥ*) and pronounce the words “I confessed” completely in the past tense. Simply shaking his head is not considered a clear confession.

Attorney acting is the exercise of authority to act on behalf of a person who, for various reasons, cannot appear in court. It is mainly used in two forms: the first is a delegation that extends to all places and matters (*wakālat-i mutlaqā*), and the second is a delegation subject to certain conditions and with limited powers (*wakālat-i muqayyada*). Agents usually act on behalf of their clients based on written powers of attorney (*wakālat bi-l-bayyīna*).

Conclusions

In conclusion, it is noteworthy that cases of various contents allow for achieving better results in studying the qāḍī records managed daily basis. In particular, T. Miura upon studying the registers of qāḍī-court of Ṣāliḥiyya quarter of Damascus of 1873-1878 was able to discover many socioeconomic problems on the scale of that very area²⁷. Therefore, it can be said that the Qazi records of Tashkent, and also Colonial Turkistan are considered valuable as a historical and legal source. A special study of qāḍī records in the future will allow us to record not only historical processes, but also several problems, such as Islamic law, the legal culture of the people of the country, as well as the socioeconomic situation, the standard of living of the population, inheritance, marriage, and divorce, as well as the problem of women in society can be illuminated based on qāḍī records.

²⁷ Miura T. Formality and Reality in Shari'a Court Records: Socio-Economic Relation in the Ṣāliḥiyya Quarter in Nineteenth Centuries Damascus // The Memoirs of the Toyo Bunko. No 59. 2001. P.99-141.

Bibliography

- ‘Alī Khwārazmī. Fatawā-i al-‘Alīya. Al-Biruni Institute of Oriental Studies/Tashkent. Ms. № 4833/IV.
- Aminov H, Sultonov U. Qāḍīs Register in Colonial Turkestan: Tashkent, 1887. Tashkent, 2016. xxx, 306 p.
- Kabīr al-Dīn Samarqandī. Fatawā-i Kabīrī. Al-Biruni Institute of Oriental Studies/Tashkent. Ms. № 3132/II
- Katalog khivinskikh kaziyskikh documentov XIX - nachalo XX vv. Tashkent-Kiyoto, 2001.
- Kūkcha qāḍīlārī daftarī. Al-Biruni Institute of Oriental Studies/Tashkent. Ms. № 6361
- Qāḍī Ikhtiyār. Mukhtār al-Ikhtiyār. Al-Biruni Institute of Oriental Studies/Tashkent. Ms. № 1583/II.
- Majma‘ al-wathayiq. Al-Biruni Institute of Oriental Studies/Tashkent. Ms. № 7799.
- Miura T. Formality and Reality in Shari‘a Court Records: Socio-Economic Relation in the Ṣālihiyya Quarter in Nineteenth Centuries Damascus // The Memoirs of the Toyo Bunko. № 59. 2001. P. 99-141.
- National Archive of Uzbekistan. Fund I-164. The Collection of the Tashkent Chief Judge, 18th-19th centuries.
- National Archive of Uzbekistan. Fund I-362. The assembly of the Tashkent city judges, 1869-1916.
- National Archive of Uzbekistan. Fund I-363. Judge of Bish-yaghach district, 1869-1916.
- National Archive of Uzbekistan. Fund I-364. Judge of Kukcha district, 1870-1924.
- National Archive of Uzbekistan. Fund I-365. Judge of Sibzar district, 1869-1924.
- National Archive of Uzbekistan. Fund I-366. Judge of Shaykhantahur district, 1868-1923.
- National Archive of Uzbekistan. Fund I-1-fund. The Chancery of the Turkestan general governor, 1867-1917.

National Archive of Uzbekistan. Fund I-17-fund. The chancery of the Governor of the Syrdarya Region, 1867-1917.

National Archive of Uzbekistan. Fund I-36-fund. The Chancery of the Head (*nachal'nik*) of the Tashkent city, 1868-1918.

Polojenie ob upravlenii Turkestanskogo kraia. Izdania 1892 goda.

Putevoditel'. Tsentral'noi gosudarstvennyi arkhiv (TsGA RUz.). Sostaviteli: Agafonova Z.I., Khalfin N.A. Tashkent, 1948, pp. 90-99 (in Russian).

Sartori P. Judicial Elections as a Colonial Reform. The *Qadis* and *Biys* in Tashkent, 1868-1883 // *Cahiers du Monde russe*. 2008. 49/1. P.79-100.

Sartori P. Visions of Justice Sharī'a and Cultural Change in Russian Central Asia. Leiden-Boston: Brill, 2016.

Sobraniye vostochnykh rukopisey (SVR). Istoria. Tashkent, 1998.

Sultonov U. Waqf Administration in Tashkent Prior to and After the Russian Conquest: A Focus on Rent Contracts for the Kukeldaš Madrasa // *DER ISLAM*. Bd. 88. Hamburg, 2012, pp. 324-351.

Welsford T., Tashev N. A Catalogue of Arabic-Script Documents from the Samarqand Museum. Samarqand, 2012.