

The Issue of Gender Equality in Fakhruddin Uzgandi's Work "Fatawa Qazikhan"

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Abstract: The article explores the issue of gender equality in the works of prominent Transoxian fakihs, such as Burhanuddin Marginani and Fakhruddin Uzgandi, as well as other works on fatwa, mainly dedicated to social and property rights of women. The article also discusses the issue of kafaah in Islamic law and its importance. In the article, the author focuses on the issue of women's property rights, their freedoms, and the importance of understanding these rights today. The conclusions stress out that the role and rights of women in Islamic society correlate with the criteria of gender equality.

Keywords: gender equality, fetwa, "Fetawa Bazzazi", "Fetawa Kadi khan" "Hidaya", vaqf, hiba, kafaah.

Every member of the society has the right to work freely without any discrimination, regardless of religion, race, origin and gender. The most important of such discriminations, which are often encountered today, is gender inequality. The elimination of this problem is of special importance and allows women to fully enjoy the rights that they themselves cannot enjoy. That is why concepts such as "gender equality", "feminism", "women's rights" are widely used.

The concept of gender equality means social, political, cultural and economic equality of men and women, not biologically. Women's rights are one of the main issues of gender equality, and they are addressed first in ensuring gender equality. Today, it is a pity that most of the situations such as discrimination of women and violations of gender equality criteria are found in societies where Islam is widespread. It is natural that this causes negative attitudes towards religion and its followers.

Therefore, it is necessary to know what are the criteria of Islamic Shari'ah and to let women know their rights and use them.

In Islam, there is a special approach to the issue of gender equality, and when we study its sources, we can see that equality and justice are not always the same concept, and justice to a woman does not always mean that she is equal to a man in all respects. That is, naturally, we witness that Islam gives women priority in some areas and less rights in others, which is considered as a form of justice in Islam. However, it can be seen that the issue of equality of men and women in spiritual, economic and social issues emerges.

Equality in prayer. According to the belief of Islam, God created man and woman from the same soul, and the religious obligations of both sexes are the same. In particular, the 5 pillars that form the basis of Islam: faith, prayer, fasting, zakat, and Hajj are obligatory for both men and women.

In this regard, it is said in verse 195 of Surah Ali-Imran of the Holy Qur'an: So their Lord responded to them: "I will never deny any of you—male or female—the reward of your deeds. Both are equal in reward".

There are many verses of this content in the Holy Qur'an, which is a clear proof that the religious obligations of both sides are the same.

Equality in learning. It is obligatory for men and women to acquire knowledge in Islam. It is narrated from Anas, may God be pleased with him, in the hadith: "The Prophet, may God's prayers and peace

be upon him, said: Seeking knowledge is obligatory for every Muslim" (narration of Ibn Majah). As we study the history of Islam, we witness the activities of female scholars as well as male scholars. Among them are a number of scientists, such as the Syrian astronomer and scientist Maryam Usturlabi, who invented the astrolabe, and the jurist Fatima bint Muhammad Samarqadiyya.

Property equality. Islamic law guarantees a woman's full property rights before and after marriage. Women and men are given the same equality in Islam regarding the use and disposal of property. For example, a woman can be the subject of a number of contracts such as sale and waqf. However, in the coverage of these topics, women were not specifically mentioned, and women's participation was not mentioned as an obstacle to the conclusion of the above agreements. Therefore, in these matters, women can act freely without departing from Sharia criteria.

If a woman does something with her husband, the profit due to the wife is hers. In "Fatavoi Bazzoziyya" it is said: "According to Qazi Imam's fatwa, if a husband and wife work together and acquire some property, it belongs to the husband. Because the wife is the helper of the husband. However, if the wife is self-employed, what she earns is hers." "According to Fatawa, "even if the husband occasionally helps a wife trained in a profession, what she earns is her own. If a husband and wife pick ears of corn together, the picked ears of corn will be divided equally between them." So, there is no obstacle for a woman to work and engage in a profession. A woman can allocate her property in the form of a *waqf*. Fakhruddin Osgandi's work "Fatavoi Qazikhan" focused only on controversial issues of women's right to *waqf* and this means that women are not normally deprived of this right. In particular, the following fatwa is given in the "Waqf Book" part of the work:

"When a woman is ill, if she gives the estate to her three daughters and the rest for the poor, and if she has no heirs other than three daughters, the estate is given to the daughters and they can do whatever they want with this estate. This is the saying of Abu Yusuf. Because, according to his opinion, general waqf is permissible. However, according to Muhammad Shaibani, may God have mercy on him, it will not be permissible. And the fatwa is according to the opinion of Muhammad, may God have mercy on him." (Fatawa Kadihan, 179)

Also, "If a woman makes a piece of her land a mausoleum and takes it out of her hands and buries her child there, and the place is not capable of being a mausoleum because of the abundance of water, the jurist Abu Ja'far, may Allah have mercy on him, says that if people refuse to bury the dead because of the nature of the land, the land does not become a mausoleum. It is permissible for a woman to sell that land. If he sells, the buyer will have to remove the body from there and take it to another place or order it". (Fatawa Kadihan, 192) From this fatwa, we understand that a woman can be the subject of both a waqf and a contract of sale.

In the "Hiba book" of the work, "If a woman donates her house to her husband, even if the woman and her cloths are inside it, and the husband also lives in that place with his wife, then this gift is valid and the husband is considered to have received it. Because the woman and her cloths are in the hands of the husband, so it is also correct to give a gift." This fatwa states that there is no obstacle for a woman to participate in a hiba, that is, a *hiba* contract.

Equality in the family relationship. In the sources of Islamic jurisprudence,

In the sources of Islamic jurisprudence, the word meaning the exact social equality of men and women is mentioned in the additional conditions of marriage, and it called "*kafa'ah*". The word "*Kafa'ah*" in dictionaries means "being equal", "equality". *Kafa'ah* in marriage is basically equality, suitability and proportionality between the prospective couples getting married.

The following hadith was the reason for the emergence of this principle: "Be aware that women should be married only to their guardians and only to those who are equal to them." (Hidaya, 680) This equality was mainly related to descent, religion, property and profession.

Women are also given the right to annul marriage, which is called "khulu" in Sharia. Literally, this word means "to take off the clothes", and the idiomatic meaning is that a woman will file for divorce for a certain fee. Khulu' is an open way for a woman to divorce her husband in Islam. If the husband wants a divorce, he divorces. If the wife wants a divorce, she will file a complaint with the judge. In the work "Mukhtasarul Wiqaya" it is said in this regard: "There is no harm in doing hulu' in exchange for something suitable for dowry when the need arises. "Hulu" is a divorce. It is obligatory to give the woman her contribution. It is makruh to take the share when the evil is on the husband's side, and to take ore than the share when the evil is on the wife. (Mukhtasar al wiqayah,468)

As for the distribution of inheritance, before Islam, some Arab tribes and Ayyars did not allocate inheritance for women.

One of the issues criticized by many is the issue of inheritance in Islam. The reason is that according to the criterion given in the Qur'an, men receive twice as much inheritance as women. The reason why women are given a small share in this regard is that a Muslim woman is guaranteed financial support from her mahrams at all stages of her life, and she also spends the inheritance as she pleases, while a man has a number of allowances.

Also, there is another issue in Islamic international law - "Siyar", which is the issue of giving alms. Both Burhoniddin Marginani and Fakhruddin Ozgandi state that a woman is allowed in this matter:

"If a free (Muslim) man or a free (Muslim) woman gives security to an infidel or (infidel) community or to the inhabitants of a fortress or a city, the security (given) to them will be valid." (Hidaya, 313)

"If a free Muslim man or woman, other than the imam (king, caliph), gives alms to non-Muslims, his or her alms will be correct." (Fatawa Kadihan, 502)

In conclusion, fatwa books do not prohibit women from disposing of property within the framework of Islamic law. They also spend the salary they earn from their profession according to their wishes. In some western societies, some of the rights given to women in the 20th century were already given in the 7th century, when Islam was revealed. An example of this is the repeal of The French Official Gazette of Laws on February 20, 1938, when it reported the cancellation of the law preventing married women from signing financial disbursement orders.

However, today it is a pity that the standards of gender equality are being violated in Islamic societies, and women are not able to use even simple rights in matters of property. Therefore, informing the citizens of both the legal and Shariah bases of gender equality issues in every society shows its positive result. Only then will mutual discrimination between members of the society and violations of the rights of members of the opposite gender towards each other be eliminated. Let's not forget that knowing one's rights ensures citizens' self-confidence at all times, in every place, and prevents the occurrence of illegal situations.

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