

**O‘ZBEKISTON XALQARO ISLOM AKADEMIYASI
HUZURIDAGI ILMIY DARAJALAR BERUVCHI
DSc.35/30.12.2019.Isl/Tar/F.57.01 RAQAMLI ILMIY KENGASH**

O‘ZBEKISTON XALQARO ISLOM AKADEMIYASI

JALOLDINOVA MAXFUZAXON ABDUMANNOB QIZI

**ISLOM HUQUQIDA IJTIMOY HIMOYA MASALALARINING
TARTIBGA SOLINISH ASOSLARI**

24.00.03 – Fiqh, kalom ilmi. Ilohiyot

**ISLOMSHUNOSLIK FANLARI BO‘YICHA FALSAFA DOKTORI (PhD)
DISSERTATSIYASI AVTOREFERATI**

Toshkent – 2024

**Islomshunoslik fanlari bo'yicha falsafa doktori (PhD) dissertatsiyasi
avtoreferati mundarijasi**

**Content of Dissertation Abstract of the Doctor of Philosophy (PhD)
on Islamic Studies**

**Оглавление автореферата диссертации доктора философии (PhD)
по исламоведческим наукам**

Jaloldinova Maxfuzaxon Abdumannob qizi

Islom huquqida ijtimoiy himoya masalalarining tartibga solinish asoslari 3

Jaloldinova Makhfuzakhan Abdumannob qizi

Regulatory Bases of Social Protection Issues in Islamic Law 21

Jaloldinova Maxfuzaxon Abdumannob qizi

Основы регулирования вопросов социальной защиты в исламском праве 39

E'lon qilingan ishlar ro'yxati

List of published works

Список опубликованных работ..... 44

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Dissertatsiya O'zbekiston xalqaro islom akademiyasida bajarilgan.

Dissertatsiya avtoreferati uch tilda (o'zbek, ingliz, rus (rezyume) Ilmiy kengashning veb-sahifasi (www.iiu.uz) hamda "Ziyonet" Axborot ta'lim portali (www.ziyonet.uz)ga joylashtirilgan.

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Dissertatsiya avtoreferati 2024-yil "___" fevral kuni tarqatildi.
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KIRISH (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Jahonda ro'y berayotgan globallashuv va integratsiya jarayonlarida huquqiy tartiblardan biri bo'lgan islom huquqi (الفقه الاسلامي) qonun-qoidalarining tizimlilik, jamiyatdagi ko'plab muammolarga yechimlar taqdim etgani bilan o'ziga xos o'ringa ega. Ulardan biri ijtimoiy himoya (الرعاية الاجتماعية) masalalari bo'lib, islom huquqida aholining ehtiyojmand qatlamini moddiy-ma'naviy jihatdan qo'llab-quvvatlash, kambag'allikka qarshi kurash bo'yicha keng ko'lamli chora-tadbirlar belgilangan. Bunday toifalar qatoriga: aholining kam ta'minlangan, boquvchisini yo'qotgan, mehnatga layoqatsiz, nogironligi bo'lgan shaxslar, bemorlar kiritiladi. Shu sababli fiqhiy manbalardagi ular bilan bog'liq hukmlar, ko'rsatma va yechimlarning zamonaviy ahamiyatini ochib berish dolzarb sanaladi.

Dunyoning qator xalqaro tashkilot va ilmiy-tadqiqot markazlarida islomdagi ijtimoiy himoyaning iqtisodiy, siyosiy, huquqiy, statistik, psixologik va sotsiologik jihatlarini o'rganishga doir tizimli izlanishlar amalga oshirilmoqda. Islom huquqi yo'nalishida olib borilayotgan tadqiqotlarda: maqosidi sharia (مقاصد الشريعة) – insonning dini, joni, moli, aqli, nasli himoyasi; oila bilan bog'liq masalalarda (الاحوال الشخصية) – nikoh, nafaqa, silai rahm; moliyaviy ibodatlar (العبادات المالية) – zakot, ushr, fitr, sadaqa, nazr, kafforat, qurbonlik, ehson; baytul mol (بيت المال) – davlat byudjeti; vaqf (وقف) – sadaqai joriya singari mavzular tadqiq etilmoqda. Ularda ishlab chiqilgan ilmiy-amaliy takliflar dunyo xalqlarining ko'makka muhtoj qatlami ehtiyojlarini ta'minlash, qashshoqlikni bartaraf etishga katta hissa qo'shmoqda.

Yangilanayotgan O'zbekistonning bosh qomus – Konstitutsiyada ijtimoiy davlat sifatida belgilanishi bu sohaga bo'lgan e'tiborning yanada ortishiga sabab bo'ldi. So'ngi yillarda “Temir daftar”, “Ayollar daftari”, “Yoshlar daftari” singari tizimlar yo'lga qo'yilib, “Islomda ayollar huquqlari”, “Islomda bola huquqlari”, “Islom huquqshunosligida inson huquqlari va shaxs maqomi”, “Movarounnahr hanafiy manbalarida vaqf masalalari” nomli kitoblar nashr etildi. O'zbekiston musulmonlari idorasi huzurida “Vaqf” xayriya jamoat fondi tashkil etilib, jamiyatdagi ijtimoiy himoya bilan bog'liq muammolarni bartaraf etishda o'z hissasini qo'shib kelmoqda.

O'zbekiston Respublikasi Prezidentining 2022-yil 28-yanvardagi PF-60-son “2022-2026-yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida”gi, 2022-yil 29-apreldagi PF-128-son “Ijtimoiy himoyaga muhtoj aholi qatlamlarini moddiy qo'llab-quvvatlashga doir qo'shimcha chora-tadbirlar to'g'risida”gi, 2023-yil 1-iyundagi PF-82-son “Aholiga sifatli ijtimoiy xizmat va yordam ko'rsatish hamda uning samarali nazorat tizimini yo'lga qo'yish bo'yicha kompleks chora-tadbirlar to'g'risida”gi farmonlari, O'zbekiston Respublikasi Prezidentining 2022-yil 29-apreldagi PQ-230-son “Ijtimoiy himoya va yordamga muhtoj aholi qatlamlarini moddiy qo'llab-quvvatlashga doir qo'shimcha chora-tadbirlar to'g'risida”gi qarorida belgilangan vazifalarni amalga oshirishda mazkur dissertatsiya tadqiqoti muayyan darajada xizmat qilishi bilan muhim ahamiyatga ega.

Tadqiqotning respublika fan va texnologiyalarni rivojlanishining ustuvor yo'nalishlariga mosligi. Dissertatsiya respublika fan va texnologiyalar

rivojlanishining I. “Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma’naviy-ma’rifiy rivojlantirishda innovatsion g‘oyalar tizimini shakllantirish va ularni amalga oshirish yo‘llari” nomli ustuvor yo‘nalishiga muvofiq amalga oshirilgan.

Muammoning o'rganilganlik darajasi. Islom huquqida ijtimoiy himoyaning tarkibiga kiruvchi masalalar ilk islom davridan bugunga qadar fiqhiy adabiyotlarda o'rganilgan, hukmlari bayon etilgan. Shunga ko'ra, ularda mavzuning aks etishini quyidagi ikki guruhga ajratish mumkin:

birinchi guruh tadqiqotlarida islom huquqida ijtimoiy himoya bilan bogʻliq masalalar klassik va zamonaviy fiqhiy manbalarda keltirilgan. Ularda, asosan, ijtimoiy himoya mavzusi maqosidi shariʼa, moliyaviy ibodatlar, nafaqa majburiyatlari, ixtiyoriy sadaqa, vaqf va homiylik bilan bogʻliq masalalarni oʻz ichiga olgan. Jumladan, Imom Abu Yusuf, Abul Husayn Quduriy, Burhoniddin Margʻinoniy, Ubaydulloh ibn Masʼud, Majiduddin Ustrushoniy, Faxriddin Qozixon kabi faqihlarning asarlarida alohida boblarga ajratilgan holda keltirilgan. Ashraf Ali Tahonaviy, Shafiqurrohman Nadaviy, Roshid Husayn Nadaviy, Abdulgʻani Dimashqiy, Muhammad Isqotiy¹ singari olimlarning zamonaviy fiqhiy asarlarida ham alohida fasllarga boʻlib oʻrganilgan;

ikkinchi guruh tadqiqotlarida islom huquqida ijtimoiy himoya mavzusining yaxlit o‘zi yoki undagi masalalardan biri olinib, bugungi kunga bog‘lab tadqiq qilingan. Jahonda islom huquqida aholini ijtimoiy himoyalash va turmush darajasini oshirishning nazariy jihatlari: V.Smis, L.Mokodi, T.Munro, J.Muhammad, A.Pivko, Yu.Qarzoviy, M.Solih, E.Shenjak, A.Erol, H.Saglam, F.Besher, T.Boz, I.Abbasiy, M.Kahf, S.Yafai, N.Hasan, S.Fitriah, M.Munir² kabi olimlar tomonidan islom huquqi nuqtayi nazaridan ijtimoiy ta’minot, unga doir masalalar hamda moliyaviy ibodatlar bo’yicha ilmiy

أبو الحسين القدوري. - القاهرة: دار : ٢٤٠ ب.؛ ٢٠٢١. ج. ١-٢. بيروت: دار الكتب العلمية. ١٩٩٠. ص. ٤٨٨. عبيد الله ابن السلام. ٢٠٢١. ص. ٤٠٨؛ برهان الدين المرغلاني. الهداية بداية المبتدي. ج. ١-٢. بيروت: دار الكتب العلمية. ١٩٩٠. ص. ٤٨٨. مسعود. متن النقاية مختصر الوقاية في المسائل الهداية. - اسطنبول: دار السلطان. ٢٠٢٢. ص. ٢٥٦. مجيد الدين استرشاني. جامع أحكام الصغار. - طشقند: شرق. ٢٠١٣. ص. ٦٤٨؛ فخر الدين قاضيخان. فتاوى قاضيخان. ج. ١. - بيروت: دار الكتب العلمية. ٢٠١٩. ص. ١٨٨٨؛ أشرف علي التهانوي. مختصر الفقه الحنفي. - كراچی: مكتبة البشري. ٢٠١٣. ص. ٤٣٧؛ شقيق الرحمن الندوي. الفقه الميسر. - زاهدان: دار الفارق الأعظم. ٢٠١١. ص. ٢٧٢؛ راشد حسين الندوي. الفقه الميسر علي المذهب الحنفي. قسم المعاشرة والمعاملات. دار ابن كثير. - ٣٢١ ص.؛ عبد الغني الدمشقي. تيسر الباب في شرح اللباب في الفقه الحنفي. ج. ٢. ٨٠ ص.؛ مصطفى اسقاطي. كفاية المبتدي وتذكرة المنتهى. القاهرة: دار الهداية. ٢٠١٢. ص. ١٩٠.

2 T.Boz., W.Smith. Social Protection In Turkish Communities In Germany and Australia: The Role Of Islam Within The Secular State // Journal of Islamic research. Islamic university Europa, 2011. – P. 56.; L.Mookodi. Social protection./ Social trends. Chapter 8. 2009. – 17 p.; T.Munro. Handbook on Development Policy and Management. Social Protection. – UK. Bookcraft. 2002. – P. 183-192.; J.Muhammad. Corporate Responsibility in Islam. – New Zealand. Auckland university. Dissertation for Doctor of Philosophy. 2007. – 223 p.; M.Munir. Rights of the child an Islamic perspective on preventing violence, abuse and exploitation of children and Pakistan law. Quarterly Journal of Studies and research in Islam. – Islamabad: Hamdard Foundation Pakistan. 2015. – 28 p.; A.Piwko. Islam and the COVID-19 Pandemic: Between Religious Practice and Health Protection\\ Journal of Religion and Health. (Springer) 2021. – 18 p.; يوسف القرطوي. مشكلة الفقر و كيف علاجها الاسلام. 1966. – 178 ص. <https://www.al-qaradawi.net/node/5107>. Sağlam H. محمد بن أحمد الصالح. الرعاية الاجتماعية و تطبيقاتها في المملكة العربية السعودية-. الرياض: محمد بن سعود. 1999. – 284 ص. ; İslam hukuk tarihinde sosyal güvenlik kurumları ve sosyal yardımlaşma ve dayanışma teknikleri. <http://www.eakademi.org/makaleler/hsaglam-2.htm>.; Faruk Beşer. İslam'da sosyal güvenlik. İstanbul: Nun. 2016. – 264 s., Sosyal İslam. İstanbul: Nun. 2016. – 262 s.; Erol A. Social protection in Islamic law. – Berlin: Peterlang, 2018. – 92 b.; Muhammad .A. Corporate social responsibility in islam. Aucland University of Technology. New Zealand. 2017. – 93 p.; Abbosiy.A. Transnational Islamic charities. The role of International islamic relief of organization of Saudia Arabia in Pakistan. University of Erfurt. 2018. – 252 p.; Kahf M., Yafai.A. Social security and zakah in the theory and practice. – Erfurt: International Journal of economics, management and countings. The International Islamic University Malaysia. 23, no. 2 (2015): 189-215.; Hasan.A. Social security system of islam with special reference to zakah. Jidda. 1984.; Shenojak. E. Islom iqtisodi. Global inqirozdan chiqish. – T.: Iqro-nashr, 2022. – 192 b.; S.Fitriah. Children with Special Needs In the Eyes of Islamic Law and the State. Akademik Jurnal Mahasiswa Humanis. Vol. 1, No. 2, May 2021 – P.77-86.

izlanishlar amalga oshirilgan.

O‘zbekistonda iqtisodiy, yuridik, statistik, sotsiologik, tarixiy va islom huquqi sohalarida tadqiqotlar olib borilgan. Xususan, M.Usmonova, X.Soatov, L.Xalikova, N.Zokirova, Sh.Sodiqova, G.Muradova, E.Rahmonov kabi olimlar tomonidan bu borada keng ko‘lamli izlanishlar qilingan. Ijtimoiy himoyaga muhtoj qatlamlar orasida keksalar, nogironlarning ijtimoiy himoyasi, tashkiliy-huquqiy asoslari, ijtimoiy-iqtisodiy jihatlar o‘rganilgan. Islom huquqi jihatidan esa, ijtimoiy himoyaning tarkibiga kiruvchi mavzular doirasida tadqiqotlar amalga oshirilgan. Islom olamining mashhur ulamalaridan Shayx Muhammad Sodik Muhammad Yusufning 25 dan ortiq kitoblarida hamda Usmonxon Alimov asarlarida ham ijtimoiy himoya tarkibiga kiruvchi mavzular aks etgan. Shuningdek, ijtimoiy himoya institutlari qatoriga kiruvchi inson huquqlari, ayollar va bola huquqlari, moliyaviy ibodatlar, meros, ijtimoiy masalalarda: J.Toshqulov, N.Yusupova, I.Bekmirzayev, M.Komilov, Q.Zohidov, M.Haydarov, H.Qodirov, M.Hamidov, H.Ishmatbekov A.Rahmanov, S.Is’hoqov, B.Begmatova, M.Atoev, S.Masayitov, M.Qosimov, J.Imamnazarov, N.Hakimova, B.Muxtorov, Sh.Rashidova, A.Abdulloh³ singari olimlar va yosh tadqiqotchilar

³ Усмонова М. Ўзбекистонда кексалар ва ногиронларни ижтимоий ҳимоялашнинг ташкилий-ҳуқуқий муаммолари: Юр. фан. ном. ...дисс. – Т., 1995. – 157 б.; Соатов Х. Бозор муносабатларига ўтиш шароитида қишлоқ аҳолисини ижтимоий ҳимоя қилиш тизимини такомиллаштириш: Иқт. фан. ном. ...дисс. – Т., 1995. – 99 б.; Халикова Л. Ижтимоий ҳимоя социал-иқтисодий муносабат сифатида: Иқт. фан. ном. ...дисс. – Т., 2000. – 115 б.; Зокирова Н. Ижтимоий йўналтирилган бозор иқтисодиёти шароитида аҳолини социал ҳимоя қилиш тизимини такомиллаштириш: Иқт. фан. ном. ...дисс. – Т., 2001. – 140 б.; Содикова Ш. Жамиятни модернизациялаш жараёнида кексаларни ижтимоий ҳимоялашнинг социологик таҳлили: Соц. фан. док. ...дисс. – Т., 2013. – 236 б.; Мурадова Г. Ижтимоий ҳимояни фуқаролик-ҳуқуқий шартномалар орқали амалга ошириш муаммолари: Юр. фан. ном. ...дисс. – Т., 2011. – 144 б.; Rahmonov E. Farg’ona vodiysida aholini ijtimoiy himoyalash jarayoni (1991-2020-yillar): Tarix fan. fal. dok. diss. avtoref. – Farg’ona, 2023. – 51 b.; Мухаммад Содик Мухаммад Юсуф. Одоблар хазинаси. Имом Бухорий Ал-адаб ал-муфрад китобининг шарҳи. Ж.1. – Т.: Nilol-Nashr, 2020. – 528 б.; Мухаммад Содик Мухаммад Юсуф. Одоблар хазинаси. Имом Бухорий Ал-адаб ал-муфрад китобининг шарҳи. Ж.2. – Т.: Nilol-Nashr, 2020 – 496 б.; Мухаммад Содик Мухаммад Юсуф. Усулул фикх. – Т., 2021. – 592 б. Мухаммад Содик Мухаммад Юсуф. Кифоя. Ж. I. – Т., 2019. – 584 б.; Мухаммад Содик Мухаммад Юсуф. Кифоя. Ж. II. – Т., 2019. – 584 б.; Мухаммад Содик Мухаммад Юсуф. Кифоя. Ж. III. – Т., 2019. – 640 б.; Мухаммад Содик Мухаммад Юсуф. Ҳадис ва ҳаёт. Савдо, зироат ва вақф. – Т., 2022. – 312 б.; Мухаммад Содик Мухаммад Юсуф. Закоат садақалар назрлар ва каффоратлар. – Т., 2022. – 240 б.; Мухаммад Содик Мухаммад Юсуф. Ислом тарихи. Ж. I. – Т., 2017. – 512 б.; Мухаммад Содик Мухаммад Юсуф. Ислом тарихи. Ж. 2. – Т., 2017. – 544 б.; Мухаммад Содик Мухаммад Юсуф. Иймон. – Т., 2021. – 368 б.; Мухаммад Содик Мухаммад Юсуф. Фикҳий йўналишлар ва китоблар. – Т.: Nilol-Nashr, 2011. – 303 б.; Мухаммад Содик Мухаммад Юсуф. Бахтиёр оила. – Т., 2023. – 528 б.; Мухаммад Содик Мухаммад Юсуф. Яхшилик ва силаи раҳм. Ж.1. – Т., 2021. – 312 б.; Мухаммад Содик Мухаммад Юсуф. Яхшилик ва силаи раҳм. Ж.2. – Т., 2021. – 280 б.; Мухаммад Содик Мухаммад Юсуф. Зикр аҳлидан сўранг. Ж.1. – Т., 2022. – 400 б.; Мухаммад Содик Мухаммад Юсуф. Зикр аҳлидан сўранг. Ж. VIII. – Т., 2022. – 608 б.; Мухаммад Содик Мухаммад Юсуф. Мўминнинг нажоти. Муфассал закот китоби. – Т., 2021. – 200 б.; Тошқулов Ж., Юсупова Н. Исломда оила ҳуқуқи. – Т.: ТИУ. 2015. – 320 б.; Юсупова Н. Исломда аёл ҳуқуқларини ўрганишнинг назарий-тадқиқий жиҳатлари: Юр. фан. ном. ...дисс. – Т. 2005. – 160 б.; Бекмирзаев. И. X-XIII асрларда Мовароуннаҳр ижтимоий муносабатларига оид процессуал ва нотариал ҳужжатлари: Тар. фан. док. (DSc) ...дисс. – Т., 2017.; Комилов М. Мовароуннаҳр фикҳ илми ривожига Алоуддин Ас-Самарқандийнинг ўрни ва “Тухфат ул-фуқоҳо” асарининг аҳамияти: Тарих. фан. ном. ...дисс. – Т., 2000. – 149 б.; Зоҳидов Қ. Илк ислом давлатчилиги ва унинг шаклланиш жараёнилари: Тарих. фан. ном. ...дисс. – Т., 2004. – 160 б.; ميرعادل خيدروف. الأحوال الشخصية بين الشريعة و القانون الاوزبكي على المذهب الحنفي. – القاهرة: المكتبة الأزهرية للتراث. 2020. – 143 ص. Кодиров Х. Динимизда инсон манфаатлари. – Т.: Мовароуннаҳр. 2017. – 100 б.; Ишматбеков Х. Ислом – маърифат дини. – Т.: Камар-медиа. 2022. – 400 б.; Раҳманов А. Ислом ҳуқуқшунослигида инсон ҳуқуқлари ва шахс мақоми: Юр. фан. ном. ...дисс. – Т., 2002. – 127 б.; Исхаков С. Бурҳониддин Марғинонийнинг “Ҳидоя” асари – муҳим ҳуқуқий манба (тарихий-ҳуқуқий тадқиқот): Юр. фан. ном. ...дисс. – Т., 2002. – 158 б.; Бегматова Б. Ислом ҳуқуқида мерос масаласи: Юр. фан. ном. ...дисс. – Т., 2008. – 133 б.; Атоев М. Исломда болалар ҳуқуқлари. – Т., Мовароуннаҳр. 2017. – 400 б.; С.Масайитов. Боситхон Шошийнинг “Муқаддимат илмил фарониз” асарида мерос масалаларининг ёритилиши. исл. фан. бўй. фал. док. (PhD). дисс... автореф. – Т.: 2022. – 48 б.; Қосимов М.

tomonidan tadqiqotga jalb etilgan. Ushbu dissertatsiya yuqorida keltirilgan tadqiqotlardan ijtimoiy himoya islom huquqi jihatidan kompleks o'rganilgan O'zbekistondagi dastlabki izlanishlardan hisoblanadi.

Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta'lim muassasasining ilmiy tadqiqot ishlari rejalari bilan bog'liqligi. Dissertatsiya O'zbekiston xalqaro islom akademiyasida 2020-2022-yillarga mo'ljallangan FZ-202002146 – “Markaziy Osiyo mutafakkirlari asarlari asosida buzg'unchi g'oyalarga qarshi kurashning ma'rifiy, tarbiyaviy asoslarini o'zida jamlagan multimedia dasturi hamda mobil ilovasini yaratish” mavzuidagi ilmiy loyiha doirasida amalga oshirilgan.

Tadqiqotning maqsadi islom huquqida ijtimoiy himoya masalalarining tartibga solinish asoslarini ochib berishdan iborat.

Tadqiqotning vazifalari:

islomda ijtimoiy himoya mazmunining nazariy-metodik asoslarini aniqlash;
fiqh manbalarida kelgan ijtimoiy himoyaga oid masalalarni tasniflash;
shariatda ijtimoiy himoya tizimi va maqsadini yoritish;
ijtimoiy himoya institutlarining mohiyatini ochib berish;
ijtimoiy himoya tizimida moliyaviy ibodatlarning rolini belgilash;
ijtimoiy muhofaza tizimida er-xotin mulkiy huquq va burchlarining mohiyatini ko'rsatish;

ota-ona hamda farzandlar o'zaro ta'minot majburiyatlarining ijtimoiy himoya muammolarini oldini olishda tutgan o'rnini belgilash;

qarovsiz qolgan bolalarning vasiylik va homiylik masalalarini yoritish;

bugungi kunda jamiyat hayotida yuzaga kelayotgan ijtimoiy-maishiy muammolarga javob topishda islom huquqi nuqtayi nazarini belgilash, ulardan unumli foydalanish yuzasidan taklif va tavsiyalar ishlab chiqish.

Tadqiqotning obyekti islom ijtimoiy himoya huquqining manbalari va institutlari bilan bog'liq ijtimoiy-huquqiy munosabatlar hisoblanadi.

Tadqiqotning predmetini islom huquqida ijtimoiy himoya masalalarining tartibga solinish asoslari tashkil etadi.

Tadqiqotning usullari. Tadqiqot jarayonida mantiqiylik, tizimlilik, obyektivlik, muammoviy-maqsadli tahlil kabi tadqiqot usullari qo'llanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

islom huquqida “masolihi mo'tabara” (المصالح المعتبرة) e'tiborga olingan manfaatlar) qoidasi asosida insonlarning ehtiyojmandlik darajasi zaruriyot (ضروريات – zaruratlar), hojjiyot (حاجيات – ehtiyojlar), tahsiniyot (تحسينات – farovonlik) tamoyillariga ko'ra tasniflanib, shaxsning ijtimoiy himoyaga muhtojlik holati ulardan zaruriyot va hojjiyot mezonlari bo'yicha belgilanishi asoslab berilgan;

Шамсу-л-аймма Сарахсийнинг “Мабсут” асарида молиявий масалалар: исл. фан. бўй. фал. док. (PhD). дисс... автореф. – Т.: Тошкент кимё технология институти, 2021. – 44 б.; Имамназаров Ж. Ислом молия тизими имкониятларидан Ўзбекистон иқтисодиётида фойдаланишнинг назарий асосларини такомиллаштириш: Икт. фан. фал. док. ...дисс. автореф. – Т., 2023. – 68 б.; Ҳакимова Н. Қафғол Шошийнинг “Маҳосин” асарида ислом ҳуқуқи асосларига оид масалалар. Исл. фан. фал. док. ...дисс. – Т., 2022. – 130 б.; Мухторов Б. Носируддин Самарқандий ал-Фикҳ ан-нофеъ асарининг ҳанафий фикҳига оид муҳим манба: Тар. фан. фал. док. ...дисс. – Т., 2021. – 130 б.; Рашидова Ш. Замонавий ўзбек оиласида ислом урф-одатлари ва анъаналарининг эволюцияси: Исл. фан. фан. док. ...дисс. автореф. – Т., 2022. – 43 б.; Абдуллоҳ А. Закот китоби ва закотга оид фатволар. – Т.: Hilol-Nashr, 2022. – 144 б.

Imom Abu Yusufning “Kitobul xaroj” asarida oʻzga din vakillarining omonlik kafolati boʻlgan jizya (جزية) toʻlovi keyinchalik ijtimoiy zaif qatlamning moddiy himoyasi maqsadida qariyalar uchun nafaqa (نفقة) joriy etish asosi boʻlib xizmat qilgani aniqlangan;

islom huquqida homilaga (جنين) moddiy-maʼnaviy gʻamxoʻrlik qilinishi, hayotining himoyalaniishi, nasabi belgilanib, nafaqasi taʼminlanishi orqali tugʻilmagan bolalar ijtimoiy himoyasi (الرعاية الاجتماعية) tizimli ravishda ishlab chiqilgani aniqlangan;

tadqiqot jarayonida oʻrganilgan klassik fiqhiy manbalarda ayollarni davolash (معالجة) masalasi keng yoritilmagan boʻlsa-da, bugungi kunda kasalliklarning koʻpayishi va ayol salomatligini saqlash ahamiyatidan kelib chiqib, uning er zimmasidagi vazifalar qatoriga kiritilishi orqali fatvolar (فتاوى) zamon va makonga qarab oʻzgarishi dalillangan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

islom huquqida ijtimoiy himoyaning paydo boʻlishi va rivojlanishi bugungi kundagi atamaga qaraganda, avvalroq yuzaga kelgani, bunga oid munosabatlar shariatning maqsadlari asosiga barpo qilingani, shaxsning ijtimoiy himoyaga muhtojlik holati “masolihi moʻtabara” qoidasiga koʻra, zaruriyot va hojjiyot mezonlari boʻyicha belgilanishi, uning oʻziga xos tizimi ishlab chiqilgani aniqlangan;

islomda ijtimoiy himoya huquqining institutlari va moliyaviy ibodatlar majburiy va ixtiyoriy shaklda amalga oshirilib, amalda ijtimoiy himoya bilan bogʻliq muammolar yechimida ahamiyatli ekani asoslangan;

oilalari huquqi normalarining ijtimoiy himoya bilan bogʻliq tamoyillari: nafaqa, mahr, silai rahm, meros va hadyalar orqali islom huquqida ijtimoiy himoyaning asoslarini amalda taʼminlanishi, jamiyatdagi bu bilan bogʻliq muammolarni bartaraf etishda oʻz hissasini qoʻshishi isbotlangan;

ijtimoiy himoya bilan bogʻliq masalalarning oila doirasida hal qilinmagan qismlari qarindoshlari orasida hal qilinishi, bunga masʼul va qodir boʻlgan shaxslar oʻz zimmasiga olishi, bu esa, muammolarning sezilarli darajada kamayishiga xizmat qilishi asoslab berilgan.

Tadqiqot natijalarining ishonchliligi. Ilmiy natijalarning ishonchliligi tadqiqotda Qurʼon oyatlari, Imom Buxoriyning “Al-Jomeʼ as-Sahih” (الجامع الصحيح), Imom Muslimning “Al-Jomeʼ as-Sahih” (الجامع الصحيح) toʻplami hadislarini, klassik va zamonaviy fiqhiy manbalardan, shuningdek, Movarounnahrning yetuk faqihlaridan biri hisoblangan Burhoniddin Margʻinoniyning “Hidoya sharhu bidoyatil muftadiy” (الهداية شرح بداية المبتدي) asaridan foydalanilgani, mantiqiylik, tizimlilik, muammoviy-maqsadli tahlil metodlariga tayanilgani, tadqiqot natijalarining vakolatli tashkilotlar tomonidan tasdiqlangani bilan izohlanadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqotning ilmiy ahamiyati islom huquqi jihatidan ijtimoiy himoya mavzusini oʻrganish borasidagi ilmiy-nazariy xulosalar sohaga oid kelgusi ilmiy tadqiqotlarga asos boʻlib xizmat qilishi, shuningdek, falsafiy, huquqiy, iqtisodiy, sotsiologik va tarixiy adabiyotlar qatorida islom huquqshunosligi jihatidan adabiyot sifatida foydalanish mumkinligi bilan izohlanadi.

Tadqiqot natijalarining amaliy ahamiyati Oʻzbekiston xalqaro islom akademiyasi,

oliy va o'rta maxsus diniy ta'lim muassasalaridagi "Fiqh", "Islom huquqi metodologiyasi", "Fiqhiy qoidalar", "Zamonaviy fiqhiy masalalar", "Islom tarixi" kabi fanlar, tarix, ijtimoiy himoya sohalari mazmunini yangi nazariy ishlanmalar bilan boyitishda, sohaga oid ma'ruza, seminar mashg'ulotlari va maxsus kurslarning metodologik asoslarini ishlab chiqishda foydalanish mumkinligi bilan asoslanadi.

Tadqiqot natijalarining joriy qilinishi.

islom huquqida "masolihi mo'tabara" (المصالح المعتبرة) e'tiborga olingan manfaatlar) qoidasi asosida insonlarning ehtiyojmandlik darajasi zaruriyot (ضروريات) zaruratlar), hojiyot (حاجيات) ehtiyojlar), tahsiniyot (تحسينات) farovonlik) tamoyillariga ko'ra tasniflanib, shaxsning ijtimoiy himoyaga muhtojlik holati zaruriyot va hojiyot mezonlari bo'yicha belgilanishi haqidagi ilmiy xulosalar O'zbekiston Respublikasi Vazirlar Mahkamasi huzuridagi Imom Buxoriy xalqaro ilmiy-tadqiqot markazi buyurtmasi asosida tayyorlangan "O'rta asr sharq allomalari va mutafakkirlarining tarixiy-falsafiy merosi" nomli kitobining mazmuniga singdirilgan (O'zbekiston Respublikasi Vazirlar Mahkamasi huzuridagi Imom Buxoriy xalqaro ilmiy-tadqiqot markazining 2024-yil 10-yanvardagi 02/12-son ma'lumotnomasi). Natijada, shariatning maqsadlari, "masolihi mo'tabara" o'zida insonlarning ehtiyojmandlik darajasi, ijtimoiy himoya mezonlarini namoyon etishini keng jamoatchilikka yetkazilishiga xizmat qilgan;

Imom Abu Yusufning "Kitobul xaroj" asarida o'zga din vakillarining omonlik kafolati bo'lgan jizya (جزية) to'lovi keyinchalik ijtimoiy zaif qatlamning moddiy himoyasi maqsadida, qariyalar uchun nafaqa joriy etish vositasi bo'lib xizmat qilganiga doir ilmiy xulosalar "Markaziy Osiyo xalqlari madaniyati, diniy an'ana va urf-odatlarini" nomli o'quv qo'llanma mazmuniga singdirilgan (O'zbekiston Respublikasi Din ishlari bo'yicha qo'mitaning 2023-yil 17-iyuldagi 02-02/1-5303 sonli ma'lumotnomasi). Mazkur xulosalar o'zga din vakillarining ham ijtimoiy himoyasi ta'minlangani va jizyaning o'ziga xos xususiyatlarini ko'rsatib, bu haqidagi ijobiy fikrlar yuzaga kelishiga xizmat qilgan;

islom huquqida homilaga (جنين) moddiy-ma'naviy g'amxo'rlik qilinishi, hayoti himoya qilinishi, nasabi belgilanib, nafaqasi ta'minlanishi orqali tug'ilmagani bolalar ijtimoiy himoyasi (الرعاية الاجتماعية) tizimli ravishda ishlab chiqilgani haqidagi ilmiy xulosalari Imom Termiziy xalqaro ilmiy-tadqiqot markazi tomonidan tayyorlangan "Sunani Termiziy sharhi" kitobining mazmuniga singdirilgan (Imom Termiziy xalqaro ilmiy-tadqiqot markazining 2023-yil 7-avgustdagi 01-07/156-son ma'lumotnomasi). Natijada, islomda homilaning ham ijtimoiy himoyasi ta'minlanganligini kitobxonlarga yetkazishda xizmat qilgan;

tadqiqot jarayonida o'rganilgan klassik fiqhiy manbalarda ayollarni davolash (معالجة) masalasi keng yoritilmagan bo'lsa-da, bugungi kunda kasalliklarning ko'payishi va ayol salomatligini saqlash ahamiyatidan kelib chiqib, uning er zimmasidagi vazifalar qatoriga kiritilishi orqali fatvolar (فتاوى) zamon va makonga qarab o'zgarish kasb etishi haqidagi ilmiy xulosalar O'zbekiston musulmonlar idorasi huzuridagi Fatvo markazining "Fatvolar to'plami" kitobi mazmuniga singdirilgan (O'zbekiston musulmonlari idorasining 2023-yil 20-iyuldagi 2046-son ma'lumotnomasi). Natijada, bugungi kunda oilalarda ayollarni davolash bilan bog'liq

muammolarga islom huquqi nuqtayi nazardan yechimlar topish, uning ahamiyatini kitobxonlarga yetkazishga xizmat qilgan.

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot natijalari jami 8 ta, xususan 4 ta xalqaro va 4 ta respublika ilmiy-amaliy anjumanlarida aprobatsiyadan o'tgan.

Tadqiqot natijalarining e'lon qilinganligi. Tadqiqot mavzusi bo'yicha 15 ta ilmiy ish, jumladan, O'zbekiston Respublikasi Oliy attestatsiya komissiyasining doktorlik dissertatsiyalari asosiy ilmiy natijalarini chop etish uchun tavsiya etilgan ilmiy nashrlarda 7 ta maqola, ulardan 5 tasi respublika va 2 tasi xorijiy ilmiy jurnallarda chop etilgan. 4 ta xalqaro va 4 ta mahalliy anjumanlar to'plamlarida tezislari e'lon qilingan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi 3 ta bob, 8 ta paragraf, xulosa va foydalanilgan adabiyotlar ro'yxatidan iborat. Tadqiqot hajmi 122 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Kirish qismida tanlangan mavzuning dolzarbligi va zarurati asoslanib, tadqiqotning maqsadi va uning vazifalari, o'rganish obyekti va predmeti aniqlangan. Tadqiqotning fan va texnologiyalar rivojlanishining ustuvor yo'nalishlariga mosligi ko'rsatilib, ishning ilmiy yangiligi va amaliy natijalari bayon etilgan. Olingan natijalarning ishonchliligi asoslangan holda ularning ilmiy va amaliy ahamiyati ochib berilgan. Tadqiqot natijalarining amaliyotga joriy qilinishi, ishning aprobatsiyasi, e'lon qilingan ishlar va dissertatsiyaning tuzilishi to'g'risida ma'lumotlar keltirilgan.

Dissertatsiyaning **“Islom huquqida ijtimoiy himoya tushunchasini o'rganishdagi metodologik yondashuvlar”** nomli I bobining *“Islomda ijtimoiy himoya mazmunining nazariy-metodik asoslari”* deb atalgan 1-paragrafida atamaning vujudga kelish tarixi, nazariy asoslari islom huquqi nuqtai nazaridan o'rganildi. “Ijtimoiy” (اجتماعي) so'zi arab tilidan olingan bo'lib “jamoat”, “jamiyatga oid”, “jamoatchilikka bog'liq, uning ehtiyojlari uchun ixtiyoriy (evazsiz) xizmat etuvchi” ma'nosini, “himoya” (حماية) so'zi esa “kimsaning homiyligida, qaramog'ida bo'lish, mudofaa” ma'nolarini anglatadi⁴. Unga turli ilmiy ta'riflar berilgan bo'lib, umumlashtiruvchi asosiy jihat insonlarga beg'araz ko'mak berishdan iborat. Ta'riflar tahlil etilib, ulardagi mazmun jamlanib, quyidagicha ta'riflash mumkin: “Ijtimoiy himoya (الرعاية الاجتماعية) – bu jamiyatning ham moddiy, ham ma'naviy yordamga muhtoj bo'lgan qatlamining davlat va jamiyat a'zolari tomonidan har tomonlama qo'llab-quvvatlanishidir”.

Islom huquqida ijtimoiy himoya tarixi risolat davrlariga borib taqaladi. Manbalarda bu tushunchaning alohida ta'rifi kelmagan. Biroq uning amaliy ifodasi payg'ambar Muhammad (s.a.v.) asos solgan Madina shahar davlati ijtimoiy-iqtisodiy hayotida o'z aksini topgan. Aholining yordamga muhtoj qatlamlarini qo'llab-quvvatlash uchun ijtimoiy himoya xizmatlari amalga oshirilgan. Shuningdek, o'sha davrdagi muhojirlar va ansorlarning o'rtasida o'zaro birodarlik munosabatlarini

⁴ Ўзбек тилининг изоҳли луғати. Ж. 1,2. Ўзбекистон миллий энциклопедияси. – Т., 2020. – Б. 177-178, 531.

shakllantirish siyosati olib borganligida namoyon bo'ladi.

Islomda ijtimoiy himoya ilohiy xarakterga ega bo'lib, uning bosh maqsadi "odamlarni Alloh rizoligi uchun xolis himoya qilish" hisoblanadi. Uning tizimlashtirilgan me'yorlarini amalga oshirish orqali musulmon dunyo va oxirat uchun manfaat topadi.

Jamiyatdagi ijtimoiy himoya bilan bog'liq muammolarning ildizi kambag'alikka borib taqaladi. U yuzaga keltiradigan muammolar bir vaqtning o'zida ijtimoiy himoya bilan bog'liq masalalarni ham o'zida aks ettiradi. Professor Yusuf Qarzoviy kambag'allikning salbiy oqibatlarini⁵ ko'lamiga qarab kichikdan kattagacha ketma-ket keltirib, ularning har birini islom nuqtayi nazaridan sharhlagan. Kambag'allik avvalo, e'tiqodga, so'ng xulq-atvorga, fikrlashga, oilaga, jamiyat barqarorligiga salbiy ta'sir qilishini ta'kidlagan.

Demak, ijtimoiy himoya bilan bog'liq muammolar ham, avvalo, shaxs, so'ng oila va jamiyat kabi bir-biriga uzviy bog'liq bo'lgan zanjir shaklda o'z ifodasini topgan. Ularni hal qilishda mana shu silsilaga muvofiq yondashib, yechimlarini hal qilish lozim.

Birinchi bobning "*Fiqhiy manbalarda ijtimoiy himoyaga oid masalalar tahlili*" nomli ikkinchi paragrafida ijtimoiy himoyaning islom huquqi asl manbalarida, ya'ni Qur'on, hadis, ijmoda qanday aks etgani o'rganilib, tasniflab, tahlil qilingan. Tadqiqot natijalariga ko'ra, eng ko'p oyatlar jamlangan "Baqara" surasida ijtimoiy himoyaga oid 25 ta oyat kelgan. Ular zakot, sadaqa, nazr, xayr-ehson, nafaqa kabi insonlarning ijtimoiy hayotini yaxshilashga va barqarorlashtirishga omil bo'luvchi mavzularni o'z ichiga oladi. "Baqara" surasining ushbu oyatlarida insonlarning o'zaro ijtimoiy munosabatlarini yaxshilashga va barqarorlashtirishga xizmat qiluvchi quyidagi jihatlar bayon etilgan:

1. Ota-ona, qarindoshlar, yetimlar, miskinlarga, musofirlarga yaxshilik qilish.
2. O'zi yaxshi ko'rgan molidan birovlariga ham ulashish.
3. Boyliklarini samimiy niyat bilan sarflash.
4. Chiroyli qarz (ustamasiz qarz).

"Baqara" surasida keltirilgan ijtimoiy himoyaga dalolat qiluvchi va jamiyatda ijtimoiy himoyani ta'minlashga xizmat qiluvchi omillar o'rganilib, quyidagicha tasnif qilindi:

1. Insonlarning o'z boyliklarini Alloh yo'lida sarflashi.
2. Xolis niyatda ehson qiluvchilarga beriladigan savob miqdori yanada ko'paytirib berilishi.
3. Savobli amallarni bajarishda insonlar ko'rsin uchun yoki keyin minnat qilishdan qaytaruvchi qat'iy buyruqlar keltirilishi.
4. Qilinajak ehsonlarni go'zal holatda qilish.
5. Qilinadigan barcha moliyaviy ko'maklarni insonning o'z mehnati mahsulidan va eng yaxshilaridan qilish.
6. Oxiratta maxsus mukofotlar berilishi.

Islom huquqining ikkinchi manbasi bo'lgan Sunnada ijtimoiy himoyaga asos bo'lgan hadislar Imom Buxoriyning "Sahihul Buxoriy" va ijtimoiy munosabatlar mavzulariga oid sahih xabarlarni o'zida jamlagan "Al-adab al-mufrad" asari hamda

⁵ https://www.al-qaradawi.net/node/5107. يوسف القرضاوي. مشكلة الفقر و كيف عالجها الاسلام. 1966. - 178 ص

Imom Muslimning “Sahihi Muslim” to‘plamlari asosida o‘rganildi.

O‘zbekistonda hadis ilmi mutaxassislari tomonidan “Oltin silsila” nomli hadis to‘plamlari tarjima va tahqiq qilinib, nashr qilinmoqda. Ushbu to‘plamning avvalida “Sahihul Buxoriy” qismi keltirilgan. To‘plamda ijtimoiy himoyaga oid hadislar asarning 55-bo‘limi – “Vasiyatlar kitobi”da keltirilgan. Ularda keltirilgan hadislar sadaqa, vaqf, ularni qilish o‘rni, ahamiyati keltirilgan bo‘lib, muhtoj insonlarga, yaqinlariga yaxshilik qilishga chaqirilgan.

Islom olamida mashhur muhaddis Imom Muslimning muhim ahamiyatga ega bo‘lgan “Sahihi Muslim” asari nafaqat ibodatga oid hadislar, balki muomalotga oid, musulmonlarni o‘zaro ijtimoiy munosabatlari haqidagi hadislarini ham o‘z ichiga olgan. Tadqiqot natijasida shu narsa aniqlandiki, ijtimoiy himoya mavzusiga doir hadislar asarning, asosan, 2-juzi 12-bo‘limi “Zakot” kitobida keltirilgan. Ushbu qism 56 bob, 2135 dan 2366 gacha bo‘lgan jami 231 ta hadisni o‘z ichiga oladi. Ular quyidagi moliyaviy mavzularni o‘z ichiga oladi: zakot, ushr, fitr, sadaqa, nafaqa kabi mavzularning ahamiyati, unga targ‘ib qilish, foydalari, ular bajarilmasligining oqibatlarini hamda zararlari haqida so‘z yuritilgan.

“Al-adab al-mufrad” asarida jami 1322 ta hadis 644 ta bobga taqsimlangan holda keltirilgan. Kitobda ijtimoiy aloqalarga va kishilarning bir-biri bilan bo‘ladigan muomalalariga oid odoblarga bog‘liq hadislar keltirilgan. Asarda ijtimoiy himoyani o‘z ichiga oluvchi quyidagi mavzularda ko‘plab hadislar keltirilgan: ota-onaga yaxshilik qilish, silai rahm, qo‘shniga yaxshilik qilish, birodarlik, sadaqa, yetimlarga yaxshilik qilish, sahovatpeshalik.

Islom huquqining ijtimoiy himoyani o‘zida aks ettiruvchi, uning tarkibiga kiruvchi ko‘plab masalalarga ijmo qilingan. Jumladan, zakot, ota-onaga yaxshilik qilish, o‘zi va qaramog‘idagilarni oziq-ovqat bilan ta‘minlash uchun haloldan kasb qilish, yashash uchun oila a‘zolarini issiq va sovuqdan saqlash, atrofdagi zararli narsalardan himoyalaniish uchun uy qurish farz ekaniga, mol-dunyosi yo‘q, balog‘atga yetmagan yosh bolalarning ta‘minoti ularning otasi zimmasiga yuklanishi, qurbonlik go‘shlarini faqirlarga yedirmoq mustahab ekaniga ittifoq qilingan.

Birinchi bobning “*Shariatda ijtimoiy himoya tizimi va maqsadining yoritilishi*” paragrafidagi: maqosidi shari‘a, yani shariatning bosh maqsadi bo‘lgan inson hayoti, aqli, dini, mol-mulki, nasl-nasabini muhofaza qilish tizimi, o‘ziga xos xususiyatlari hamda usulul fiqhda: “masolihul mo‘tabara” (مصلح المعتبرة), “zaruriyot” (ضروريات), “hojiyot” (حاجيات), “tahsiniyot” (تحسينات), “mahkumun fiy” (محكوم فيه), “haqqulloh” (حق الله) kabi tushunchalarning ijtimoiy himoyada tutgan o‘rni yoritildi.

Islom huquqida davlatning eng kichik bo‘g‘ini bo‘lgan oila (undagi a‘zolar) dan tortib, to butun jamiyatning ijtimoiy himoyasini ta‘minlashga doir qonun-qoidalari ko‘rsatib berilgan. Insonning tug‘ilishidan to vafot etguniga qadar butun hayotining har bir bosqichi ijtimoiy himoyasini ta‘minlash choralari ishlab chiqilgan. Bu ona qornidagi homila, go‘daklar, yosh bolalar, ayollar, qariyalar, mehnatga layoqatsizlar, bemorlar, kambag‘allarning haq-huquqlarini o‘z ichiga olib, quyidagi tizimlar orqali himoya qilishda o‘z aksini topadi: maqosidi shari‘a (مقاصد الشريعة) (dini, joni, aqli, nasli, moli himoyasi), oila bilan bog‘liq masalalarda (الأحوال الشخصية) (nikoh, nafaqa, silai rahm), moliyaviy ibodatlar (العبادات المالية) (zakot, ushr, fitr, sadaqa, nazr, kafforat, qurbonlik,

ehson), baytul mol (بيت المال) (davlat byudjeti), vaqf (وقف) (sadaqai joriya).

Mana shu tizimlarning qoidalarini, hukmlarini, insonni himoyasiga qaratilgan ta'limotlarini ijtimoiy himoya bilan bog'liq muammolarni bartaraf etish va oldini olish yo'llaridan biri sifatida o'rganish muhim ahamiyatga ega. Usulul fiqh ulamolari: "Shariat hukmlarining umumiy maqsadi bu dunyoda odamlarning hayoti va saodati uchun kerak bo'lgan barcha narsalarni yuzaga chiqarishdir" deb ta'kidlashgan. Bu esa, ularga manfaatni jalb qilish va ulardan zararni daf etish orqali yuzaga chiqadi⁶. Bundan ko'rinib turibdiki, shariatning ustuvor maqsadi, xususan fiqhning butun ko'lami ayni ijtimoiy himoya bo'lib, musulmon jamiyatining barcha a'zolarini har tomonlama himoya qilishni ko'zda tutadi.

Islom huquqida ijtimoiy himoya mana shu besh maqsadni ko'zlagan har bir insonning butun hayoti davomida mustahkam himoyani ta'minlagan holda amalga oshiriladi. Inson butun hayoti davomida yashashi uchun kerak bo'lgan barcha zaruratlar, ehtiyojlar va manfaatlari uchun asoslarni tartibga solgan.

Islom huquqida "masolihi mo'tabara" (المصالح المعتبرة) olingan manfaatlar) qoidasi asosida insonlarning ehtiyojmandlik darajasi zaruriyot (ضروريات – zaruratlar), hojjiyot (حاجيات – ehtiyojlar), tahsiniyot (تحسينيات – farovonlik) tamoyillariga ko'ra tasniflanib, shaxsning ijtimoiy himoyaga muhtojlik holati zaruriyot va hojjiyot mezonlari bo'yicha belgilangan.

Dissertatsiyaning **"Islomda ijtimoiy himoya institutlari va yo'nalishlari"** deb nomlangan II bobining *«Islomda ijtimoiy himoya institutlarining umumiy tavsifi va ularning mohiyati»* nomli 1-paragrafida ijtimoiy himoya institutlari tavsiflangan. Islom huquqida ijtimoiy himoya munosabatlarining asosiy qismini iqtisodiy masalalar va moliyaviy munosabatlar tashkil etadi. Shuningdek, ularning tub mohiyatida: ibodat, xolis niyat, beg'araz yordam, hamjihatlik tamoyillari yotadi. Shu bois, ijtimoiy himoyani ta'minlashga xizmat qiluvchi omillar moddiy ehtiyojlarni qondiruvchi manbalar hisoblanadi. Ularning yuzaga kelishi shar'iy hukmlar jihatidan majburiy to'lovlar va ixtiyoriy sadaqalarga bo'linadi.

Islomda ijtimoiy himoya huquqining mazmunan bir-biriga yaqin bo'lgan ijtimoiy munosabatlarni tartibga soluvchi me'yorlari majmui uning alohida institutini tashkil qiladi. Islom ijtimoiy himoya huquqining asosiy institutlarini yuqorida keltirilgan majburiy to'lovlar va ixtiyoriy sadaqalar tashkil etadi, ya'ni zakot (زكاة), fitr (فطر), nafaqa (نفقة), ushr (عشر), xiroj (خراج), sadaqa (صدقة), vaqf (وقف), qarzi hasan (قرض حسن), hadya (هدية), hiba (هبة), oriya (evazsiz ijara) (عارية), nazr (نذر) va vaqf (وقف) instituti kabilardir. Ularning har biri tasniflanib, sharhlandi va ijtimoiy himoyada tutgan o'rni ko'rsatib berildi.

Tadqiqot davomida ijtimoiy himoya institutlari ijrosi o'ziga xos quyidagi ustuvor tamoyillar: inson huquqlari va manfaatlari, yaxshilik qilish (ota-ona, qarindoshlar, qo'shnilar va boshqalar), kambag'al yaqinlarini o'z qaramog'iga olishlik, o'zaro birdamlik, sahiylik, birodarlik, go'zal muomala kabilarni o'zida aks ettirishi aniqlandi. Shuningdek, professor Yusuf Qarzoviy o'zining "Mushkilatul faqri va kayfa a'lajahal islam" asarida islom huquqining kambag'allik, ijtimoiy himoya muammosini hal qilishdagi choralari sifatida aynan quyidagi islom ijtimoiy himoyasi institutlarini

⁶ Мухаммад Содиқ Мухаммад Юсуф. Ислом тарихи. Ж.1. Hilol-Nashr. – Т., 2017. – Б. 370.

keltiradi: kambag'al yaqinlarni o'z qaramog'iga olish, zakot, davlat ta'minoti, zakotdan boshqa haqlarning majburiyligi, ixtiyoriy sadaqalar va shaxsiy ehsonlar⁷.

Bobning ikkinchi paragrafi *«Ijtimoiy himoya tizimida moliyaviy ibodatlarining roli»* deb nomlanib, unda moliyaviy ibodatlarining ijtimoiy himoyada tutgan o'rnini, muammolarni hal qilishdagi ahamiyati ochib berilgan. Zakot haqidagi yuqorida keltirilgan "Tavba" surasi 60-oyatiga binoan, zakot oluvchi toifalar quyidagilar deb belgilab qo'yilgan: faqirlar, miskinlar, sadaqa ishida ishlovchilar, qarzдорlar, musofirlar. Islom dinida zakotning joriy qilinishidan maqsad – yashash tarzining yaxshilanishi ko'zlangan. Zakotdan maqsad kambag'allarga jamiyatda doimiy va muntazam ijtimoiy ta'minotni shakllantirishdan iborat.

Zakotning ahamiyati va jamiyatga foydali bo'lgan jihatlari quyidagilardan iborat: ijtimoiy adolat, ijtimoiy himoya, boyliklarning jamiyat a'zolari o'rtasida aylanishi, insoniy birodarlik, farovonlik va taraqqiyot.

Turkiyaning Ibn Xaldun universiteti professori Nihat Gumush hisob-kitoblariga ko'ra, O'zbekistonda yiliga 500 mln.-1,5 mlrd. AQSH dollari zakot to'lash potentsiali mavjud. Ushbu mablag' O'zbekiston byudjetining taxminan 5-15% iga to'g'ri keladi⁸. Demak, jamiyatda milliy va diniy qadriyatlardan biri bo'lgan zakotning musulmonlar orasida yanada keng targ'ib qilinishi ko'plab manfaatlarni keltiradi. Shuningdek, bu bilan bog'liq maxsus tizim ishlab chiqish ishlari amalga oshirilsa, buning amaliy natijasida juda ko'p ijtimoiy himoyaga muhtoj qatlamning muammolari hal bo'ladi va davlatning ijtimoiy rivojlanishiga katta hissa qo'shadi.

Tadqiqotning uchinchi bobi **“Shaxs ijtimoiy himoyasini ta'minlashda nafaqa majburiyatlarining zamonaviy ahamiyati”** deb nomlanib, uning *“Ijtimoiy muhofaza tizimida er-xotin mulkiy huquq va burchlarining mohiyati”* nomli 1-paragrafida er-xotinning o'zaro munosabatlari, islom huquqi jihatidan ijtimoiy himoyada tutgan o'rnini ochib berilgan.

Jamiyatning ijtimoiy himoyasini ta'minlash, u bilan bog'liq muammolar yechimlarini topish, avvalo, oiladan boshlanadi. Zero insonlarning turmushi, asosiy aloqalari oilaviy munosabatlarga bog'langan. Shuning uchun, nikoh munosabatidagi er-xotinning mulkiy-huquqiy va majburiyatlari ijtimoiy himoya masalalarini ham o'z ichiga oladi.

Erning xotiniga nisbatan majburiyatlar ijtimoiy himoyani ta'minlashning asosiy omillaridan biri hisoblanadi. Zero, bunda ayolga nisbatan moddiy va ma'naviy ehtiyojlari kafolati belgilangan. Ushbu majburiyatlarning amaliy ifodasi ijtimoiy himoya bilan bog'liq muammolar oldini oladi.

Islom huquqiga ko'ra, er va xotin o'rtasidagi mulkiy munosabatlarni uch holatda: mahr (مهر), nafaqa (نفقة), merosda (ميراث) namoyon bo'ladi. Mahr instituti normalari uning berish shartligi, miqdori, nikohni qayd etishda mahr belgilanmagan bo'lsa, masalani hal qilish tartibi, foydalanishi bilan bog'liq munosabatlarni tartibga soladi.

Islom huquqida ayolning nikoh orqali kelib chiqadigan mulkiy huquqlaridan biri nafaqa bo'lib, ijtimoiy ta'minot sohasida nafaqa eng asosiy predmetlardan sanaladi. Avvalo, oilaviy munosabatlardan kelib chiqadigan xotin-qizlarga nafaqa berish nazarda

⁷39 ص — يوسف القرضاوي. مشكلة الفقر و كيف عالجها الاسلام. 1966. <https://www.al-qaradawi.net/node/5107>.

⁸ Америкада мусулмонлар 1.8 миллиард закот бердилар. <https://islommoliyasi.uz/uz/amerika-zakot-1-8-milliard/>.

tutiladi. Nafaqa urning ayol oldidagi eng katta va davomli majburiyati hisoblanadi.

Nafaqa (نفقة) instituti normalari er-xotin, ota-ona va farzandlar, oilaning boshqa a'zolarining bir-birini moddiy jihatdan ta'minlash bo'yicha munosabatlarni tartibga soladi. Erning zimmasidagi asosiy burchi oilani nafaqa bilan ta'minlash bo'lib, bunda, asosan, xotinni yedirib-ichirish, kiyintirish va maskan bilan ta'minlash ko'zda tutilgan. Lekin hozirgi davrdagi yetuk faqihlardan Xolid Sayfulloh Rahmoniyning "Ayollarning moliyaviy huquqlari" nomli kitobida bugungi kunda ayolini davolatish xarajatlari ham nafaqaga kirishi, urning zimmasida vojib bo'lishi ta'kidlangan. Avvalgi davrlarda yozilgan fatvo kitoblarida muolaja nafaqaga kiritilmagan bo'lsa-da, lekin ba'zi fiqhiy kitoblarda bunga ishoralar borligi, jumladan, "Majma'ul Anhur" kitobida: "Nafaqa – yemoq, ichmoq, kiymoq va maskan kabi kishining tirikligi unga bog'liq bo'lgan narsalar", deb ta'riflangan. "Demak, bugungi kunda insonni salomatligi ham ozuqasi va libosi kabi hayotning davom etishini ta'minlovchi zaruriy ehtiyojlardan hisoblanadi. Shuning uchun muolaja nafaqadan bo'lib, u urning zimmasiga vojib bo'ladi", – degan⁹. Mazkur mulohazalardan xulosa qilinadiki, ayol kishi kasal bo'lsa, uni davolatish, unga sarf- xarajat qilish urning zimmasida ekanligi ma'lum bo'ladi.

Oila huquqi normalarining ijtimoiy himoya bilan bog'liq tamoyillari: nafaqa, mahr, silai rahm, oila a'zolari o'zaro ahlligi, o'zaro moddiy-ma'naviy ko'makni o'z ichiga oladi. Ular islom huquqida ijtimoiy himoyaning asoslarini va amalda ta'minlanishini ifoda etadi. Shuningdek, jamiyatdagi bu bilan bog'liq muammolarni hal qilishda yechimlardan biri sanaladi. Islomda er-xotinning o'zaro burch va majburiyatlari, huquqlari hamda ularning amalda qo'llanilishi oilaning har tomonlama himoyalaniishi, mustahkam bo'lishini ta'minlaydi. Ijtimoiy himoya bilan bog'liq bo'lgan turli muammolarning yuzaga kelishini bartaraf etadi.

Bobning ikkinchi paragrafi "*Ota-ona va farzandlar o'zaro ta'minot majburiyatlarining ijtimoiy himoya muammolarini oldini olishda tutgan o'rni*" deb nomlanib, unda ota-onaning farzandi tug'ilishidan voyaga yetgunga qadar bo'lgan majburiyatlari, ular bajarilishining ijtimoiy himoyadagi ahamiyati yoritilgan.

Oilaning a'zosi bo'lgan bolaning ijtimoiy himoyasi ham muhim ahamiyatga ega bo'lib, uning tug'ilishidan oldingi haqlaridan biri homilaning jismoniy va ruhiy toliqishlarsiz, yaxshi rivojlanib borishini ta'minlashdir. Bunda farzandning ijtimoiy muhofazasi va ta'minoti o'z aksini topgan. Bola tug'ilganidan so'ng vujudga keladigan haqlari: nasl-nasab, emizish, bolaga aqiqa qilish, nafaqa, bolaga mehribonlik, bolalar o'rtasida adolat qilish, voyaga yetgach, nikohlash kabilarni o'z ichiga oladi.

Islom huquqida keltirilgan ota-ona, farzandlarning haqlari va majburiyatlari mezoni ijtimoiy himoyaning ta'minlanishida muhim ahamiyatga ega. Boisi ularning o'z o'rnida bajarilishi ko'plab muammolar yuzaga kelishining oldini oladi.

Islom olamining yetuk ulamolaridan biri Shayx Muhammad Sodik Muhammad Yusuf "Baxtiyor oila" kitobi¹⁰da bolaning haqlarini, xususan, ota-onaning burchlarini: farzand paydo bo'lmasidan oldingi, homila hollaridagi va tug'ilgandan keyingi yuzaga keladigan huquqlariga bo'ladi. Tavalluddan oldin haqlariga munosib ota-ona tanlanishi, solih farzand so'rab duoda bo'lish, homila davrida esa, uning dunyoga kelguniga qadar

⁹ <https://fatvo.uz/question-view/399>.

¹⁰ Мухаммад Содик Мухаммад Юсуф. Бахтиёр оила. – Т.: Hilol-Nashr, 2023. – Б. 265-355.

parvarishlanishi kiradi. Bola tug'ilganidan so'ng vujudga keladigan haqlari esa, nasl-nasab, emizish, munosib ism qo'yish, aqiyqa qilish, nafaqa, mehribonlik qilish, homiylik, valiylik qilish, farzandlar o'rtasida adolat qilish, voyaga yetgach nikohlash kabilardan iborat. Shuningdek, farzandni voyaga yetguncha bo'lgan tarbiya qilish davrlari: razo'at, hizona, valoya bosqichlariga ham bo'linadi. Bularning barchasi bolaning ijtimoiy himoyasi ta'minlanishida asosiy o'rin tutib, tadqiqotda tahlil qilingan.

Bugungi kunda farzandning ta'minoti bilan bog'liq ko'plab ijtimoiy muammolar mavjud. Er-xotin ajralishganda bola kimning qaramog'ida qolishi, ta'minoti masalalari bo'yicha nizolashmoqda. Shu bois, shariatning munosabati qanday ekani bo'yicha ulamolarga ko'plab savollar tushgan. Bu bilan bog'liq savolga O'zbekiston musulmonlar idorasi qoshidagi "Fatvo markazi" tomonidan:¹¹ ajralgan xotinni ta'minlash faqat idda muddati ichida, lekin o'g'il bolalarni balog'atga yetguncha, qizlarni turmushga chiqquncha yeb-ichish, kiyinish va uy-joy bilan ta'minlashi shartligi, bajarmasa, gunohkor bo'lishi, bu holatda bolalar otasi bilan yashaydimi yoki onasi bilan yashaydimi farqi yo'qligi, ota ta'minlashga mas'ulligi mazmunida javob berilgan.

Shuningdek, ota-onaning farzandlari oldida nafaqa majburiyatlari bo'lgani kabi, voyaga yetgan farzandlarning ham ota-onasini ta'minlash vazifasi bor. Bu haqida islom huquqi manbalarida alohida e'tirof etilgan. Jumladan, "Hidoya" asarida¹² ularni nafaqa bilan ta'minlashda farzandga (ya'ni qarindoshlardan) hech kim sherik bo'lmasligi, agar g'oyib o'g'ilning moli bo'lsa, ana o'sha boylikdan tayinlab berilishi ta'kidlangan.

Nafaqa instituti normalari ijrosi sabab oila a'zolarining ehtiyojlari qondiriladi va oilaning o'zidayoq hal qilinadi. Agar oila o'z boquvchisini yo'qotgani kabi omillar sabab, ushbu masala oilada yechilmasa, oiladan tashqariga chiqib, ketma-ketlikda yaqin qarindoshlar, mahalla va davlat vasiyligi orqali ta'minot amalga oshiriladi.

Bobning uchinchi paragrafi "*Qarovsiz qolgan bolalarning vasiylik va homiylik masalalari tahlili*" deb nomlanib, unda ota-onasidan ayrilgan yoki boshqa sabablar bilan qarovsiz qolgan bolalarning ijtimoiy himoyasi qanday amalga oshirilishi, vasiylik, homiylik masalalari tartiblari, ahamiyati yoritilgan.

Vasiylik va homiylik masalalari islom huquqida ham, o'ziga xos tarzda qonun-qoidalar va hukmlar tizimli ravishda ishlab chiqilgan. Ular bugungi kundagi qonunchilik bilan bu boradagi yuzaga kelgan muammolarni yechish va mavjud ehtiyojlarni qondirishda o'zaro mushtarakdir. Vasiylik va homiylik masalalari ijtimoiy himoyaning eng asosiy qismlaridan biri hisoblanadi. Boisi, aynan voyaga yetmagan yetim bolalar va ota-ona qaramog'idan mahrum bo'lgan bolalar ijtimoiy himoyaga eng ko'p muhtoj bo'lgan qatlamdir.

Bolani qaramog'iga olish, valiylik, asosan, jamiyatdagi ijtimoiy himoyaga muhtoj eng zaif qatlam bo'lgan yetimlarga qilinadi. Ular yosh, ojiz va qalbi o'ksik bo'ladi. Shariatda otasi vafot etib, voyaga yetmagan bola yetim hisoblanadi. Ularning himoyasi qat'iy hukmlar asosida har tomonlama ta'minlangan. Qur'on oyatlari va hadislarida yaxshilik qilish, go'zal munosabatda bo'lish, zulm qilishdan qattiq qaytarilgan.

¹¹ Ўзбекистон мусулмонлари идораси фатво хайъати. <https://fatvo.uz/question-view/815>.

¹² برهان الدين المرغلاني. الهداية بداية المبتدي. ج. 1-2. بيروت: دار الكتب العلمية. 1990. - 328, 330 ص.

Xususan, “Zuho” surasining 9-oyatida¹³ yetimlarga qahr qilmaslik, ya’ni xorlamaslik, kamsitmaslik, haqqini yemaslikdan qaytarilgan. Hadisi shariflarda esa, oilalarning eng yaxshisi – yetimga yaxshilik qiluvchilar ekani alohida ta’kidlangan.

Shuningdek, homiylik masalalari ijtimoiy himoyani ta’minlashning muhim unsurlaridan sanaladi. Ularning ichiga islom huquqidagi vaqf instituti ham kirib, unga oid munosabatlarning zamonaviy nodavlat-notijorat tashkilotlar kabi jamiyatda tutgan o’rni, farqli va o’zaro uyg’un jihatlari mavjud. Vaqflar va fondlarning ijtimoiy himoyani ta’minlashdagi roli bir-biriga o’xshash bo’lib, qamrab olgan yo’nalishlari va boshqaruv xususiyatlari jihatidan farq qiladi¹⁴.

Vaqfning bugungi kunda ham ahamiyati yuqori darajada bo’lib, O’zbekistonda vaqfning o’ziga xos shakli, ya’ni “Vaqf” xayriya jamoat fondi faoliyati aholining ijtimoiy himoyasiga o’z hissasini qo’shmoqda. O’zbekiston Respublikasi Prezidentining 2018-yil 16-apreldagi “Diniy-ma’rifiy soha faoliyatini tubdan takomillashtirish chora-tadbirlari to’g’risida”gi Farmoni¹⁵ bilan “Vaqf” fondi tashkil etildi. Ushbu Farmonga asosan, fondning vazifalaridan biri aholining ijtimoiy himoyaga muhtoj qatlamlari, shu jumladan, imkoniyati cheklangan shaxslarni moddiy va ma’naviy qo’llab-quvvatlash hisoblanadi.

“Vaqf” xayriya jamoat fondiga kelib tushgan mablag’lardan aholining ijtimoiy himoyaga muhtoj qatlamlari, shu jumladan, imkoniyati cheklangan shaxslarni moddiy va ma’naviy qo’llab-quvvatlash yo’nalishiga 12 mlrd. 935 mln. so’m mablag’ yo’naltirilgan. Jumladan, fondga moddiy yordam so’rab murojaat qilgan ijtimoiy himoyaga muhtoj fuqarolardan 13 802 nafariga “zakot” va “xayriya” hisob raqamlaridan, mos ravishda, jami 6 mlrd. 117 mln. so’m pul mablag’lari bilan moddiy yordam ko’rsatildi¹⁶.

Islom huquqida vasiylik va homiylik masalalari aniq va tizimli ravishda keltirilgan. Ijtimoiy himoya bilan bog’liq asosiy hal qilinishi kerak bo’lgan muammolar ham aynan voyaga yetmagan yetim bolalar va ota-ona qaramog’idan mahrum bo’lgan bolalar bilan bog’liqdir. Ularning yechimlarida milliy va diniy qadriyatlarga aylanib ketgan islom huquqi tartiblari bo’yicha keltirilgan mezonlar katta hissasini qo’shadi. Aynan bolalarning bu bilan bog’liq huquqlari amalda ta’minlanishi ularning iqtisodiy muammolari oldini oladi va ruhiy holati hamda ma’naviy kamol topishiga xizmat qiladi. Islom shariati bu turdagi bolalarning haqlarini yuksak darajaga ko’targan. Qur’on va hadisda qattiq ogohlantiruv va ularni qo’llab-quvvatlashning savoblari ziyoda bo’lishini, ibodat darajasida ekanligi keltirilgan. Bu esa, musulmonlarni xushyorlikka va bu kabi ishlarda rag’bat hamda g’ayrat qilishga yo’naltiradi.

XULOSA

Islom huquqida ijtimoiy himoya masalalarining tartibga solinish asoslari ilmiy-amaliy tatbiqi va tadqiqotning maqsad hamda vazifalaridan kelib chiqib, quyidagi

¹³ ابن كثير. تفسير القرآن العظيم. – بيروت: دار الكتب العلمية. 1998. – 413 ص.

¹⁴ Кенжабойева Р. X-XIII асрлар Мовароуннахр ҳанафий манбаларида вақф масалалари. Исл. фан. фал. док. дисс. автореф. – Т., 2021. – Б. 22.

¹⁵ Diniy-ma’rifiy soha faoliyatini tubdan takomillashtirish chora-tadbirlari to’g’risida. <https://lex.uz/docs/3686277>.

¹⁶ 2021-yil davomida sohaviy vazifalarni amalga oshirishga yo’naltirilgan xayriya mablag’lar haqida hisobot. <https://vaqf.uz/uz/news/view/786>

xulosalarga kelindi:

1. Islomda ijtimoiy himoya huquqining amaliy va nazariy jihatdan shakllanishi ko'p asrlik tarixga ega bo'lib, shariatning asosiy tamoyillari va me'yorlari asosida aholining yordamga muhtoj qatlamini moddiy-ma'naviy himoya qiluvchi o'ziga xos tizim sifatida tartibga solingan. Uning nazariy va amaliy qoidalari vujudga kelish tarixi Payg'ambar Muhammad (s.a.v.)ning Madinaga hijratlaridan keyingi davrga oid bo'lib, xulafoi roshidin, tobeinlar hamda mujtahidlar davrida bu qoidalar yanada rivojlantirilgan.

2. Islom huquqining asosiy manbalari – Qur'on, sunnat, ijmoda ijtimoiy himoya bilan bog'liq masalalar muhim ahamiyat kasb etib, aniq va batafsil yoritilgan. "Baqara" surasining 25 dan ortiq oyatida ushbu mavzuga oid so'zlar kelgan. Ular moliyaviy ibodatlar, nafaqa majburiyatlari, ixtiyoriy moliyaviy yordamlar, oila a'zolari va qarindoshlar o'rtasida silai rahm, yetimlar, miskinlar va musofirlarga g'amxo'rlik qilish, jamiyat a'zolari o'zaro qo'llab-quvvatlashlari asosida yaxshilik qilish, birodarlik, sadaqa qilish, o'ziga ravo ko'rgan afzal narsalarni o'zgalarga ulashish, mol-mulkni ezgu maqsadlarga sarflash kabi tamoyillar bilan buyruq, ko'rsatma, targ'ib hamda bu borada haqlar poymol qilinsa, ogohlantiruv shaklida tartibga solingan.

3. Islom huquqida ijtimoiy himoya tizimi "masolihi mo'tabara" qoidasidan kelib chiqib, maqosidi shari'a tamoyili asosida tartibga solingan bo'lib, ijtimoiy himoya subyektlarining birlamchi zaruriy manfaatlari 5 jihatdan: dini, joni, moli, aqli, naslini muhofaza qilish nazarda tutilgan. Insonlarning ehtiyojmandlik darajasi zaruriyot, hojiyot, tahsiniyot tamoyillariga ko'ra tasniflanib, shaxsning ijtimoiy himoyaga muhtojlik holati zaruriyot va hojiyot mezonlari bo'yicha belgilangan.

4. Islomda ijtimoiy himoya huquqi institutlari mazmunan o'zaro bog'liq tushunchalar, me'yorlar yig'indisini tashkil qilib, ular 15dan ortiq bo'lib, majburiy va ixtiyoriy to'lovlarga bo'linadi hamda o'z ichiga zakot, ushr, fitr, sadaqa, nazr, kafforat, qurbonlik, hadya, vasiyatlar, vaqf, mahr, nafaqa kiradi. Har birining o'ziga xos bo'lgan qoidalari tizimli ravishda tartibga solingan. Subyektlar sifatida esa "Tavba" surasi 60-oyati va ehtiyojmandlik belgilariga ko'ra, faqir va miskinlar, sadaqa ishida ishlovchilar, qarzdorlar, musofirlar, mehnatga layoqatsizlar, bemorlar belgilangan.

5. Islom huquqida ijtimoiy himoyaning tashkiliy mexanizmi, asosan, mukallaflarga yuklatilgan iqtisodiy va moliyaviy majburiyatlarga qaratiladi. Majburiyatlarning bajarilishi mohiyatida ibodat, xolis niyat, beg'araz yordam, mehr-oqibat, hamjihatlik tamoyillari yotadi. Ularning yuzaga kelishi shar'iy hukmlar jihatidan majburiy va ixtiyoriy to'lovlarga bo'linadi. Qayd etish lozimki, jamiyatda ijtimoiy muammolarni, ayniqsa, moddiy jihatdan yordamga muhtoj qatlamning ehtiyojlarini ta'minlashda davlat ijtimoiy himoya dasturlaridan tashqari, islom dini ijtimoiy himoya tizimidagi zakot, ushr, sadaqa kabi moliyaviy yig'implarning ham o'ziga xos o'zni borligi isbotlangan.

6. Ijtimoiy himoya bilan bog'liq muammolarning tub ildizi oilaga borib taqalib, a'zolar o'rtasidagi haqlar va majburiyatlarning ado etilmasligi natijasida yuzaga kelmoqda. Islom huquqining bosh manbalarida 70dan ortiq oyatlar va 200dan ortiq hadislarda ayollarga oid masalalar, ularning huquqlari keltirilgan. Avvalo, erning xotiniga nisbatan mulkiy majburiyatlari bo'lgan mahr, nafaqa, merosning amalda

bajarilishi ijtimoiy himoyani ta'minlovchi omillardan biri hisoblanadi. Zero, bunda ayolga nisbatan moddiy va ma'naviy ehtiyojlari kafolati belgilangan. Islomda agar er moddiy yordamga muhtoj bo'lsa, nafaqat erkak qarindoshlari, balki ayoli tomonidan ham qo'llab-quvvatlanishiga targ'ib qilingan hamda ulkan ajrlar va'da qilingan.

7. Ijtimoiy himoya subyektlarining asosiy qismini qatlam bolalar tashkil etib, voyaga yetguncha moddiy-ma'naviy ko'makka muhtoj hisoblanadi. Islom huquqida farzandlarning ijtimoiy himoyasi ham muhim ahamiyatga ega bo'lib, hatto homilaning ma'naviy va moddiy haqlari adolatli belgilab berilgan. Dunyoga kelganidan so'ng esa, to voyaga yetguncha bo'lgan haqlari nasl-nasab, emizish, ta'minot, himoya quchog'iga olish, vasiylik va homiylik qilish kabi muhim qoidalari asosida tizimli ravishda tartibga solingan. Oilada ta'minot masalalari, ya'ni nafaqa instituti me'yorlarining ijrosi sabab oila a'zolarining ehtiyojlari qondiriladi va uning o'zidayoq ijtimoiy himoya masalalari hal qilinadi.

8. Islom huquqida qarovsiz qolgan bolalarning vasiylik va homiylik masalalari qoidalari tizimli ravishda ishlab chiqilgan. Ular bugungi kundagi qonunchilik bilan bu borada yuzaga kelgan muammolarni yechish va mavjud ehtiyojlarni qondirish jihatidan o'zaro mushtarakdir. Bola ota-ona qaramog'idan mahrum bo'lganda, uning tarbiyasi va ta'minotiga yaqin qarindoshlaridan kim mas'ul bo'lishi tartibi aniq belgilangan. Bu esa, oila a'zolari o'rtasidayoq hal qilinishini ko'rsatadi. Fiqhiy manbalarda bu borada qattiq ogohlantiruv va ularni qo'llab-quvvatlashning savoblari ziyoda bo'lishi, ibodat darajasida ekanligi keltirilgan.

Tadqiqot jarayonida olingan natija va xulosalardan kelib chiqib, quyidagi taklif va tavsiyalar ilgari surildi:

- Islom oila huquqidagi nafaqa bilan bog'liq holatlarning nikoh shartnomasida shartlari belgilanishi bilan jamiyatda oilaga, xususan, ayolga nisbatan mas'uliyat oshishiga yordam berishini nazarda tutib, undan O'zbekiston Respublikasi Oila kodeksining "Er va xotin mol-mulkingning shartnomaviy tartibi" bobida ijodiy foydalanish;

- Movarounnahr faqihlari asarlaridagi ijtimoiy himoya tizimini mustahkamlashga oid qarashlarning mohiyatini nazariy jihatdan tadqiq etgan holda amaliy tatbiqi masalasi bo'yicha islom shariati amalda bo'lgan davlatlarning milliy huquqini qiyosiy o'rganish yo'nalishida tadqiqot olib borish;

- "Islomshunoslik" va "Ijtimoiy ish" yo'nalishi talabalari uchun ijtimoiy himoya mavzusini milliy va diniy qadriyatlar jihatidan o'rganish maqsadida "Islom huquqida ijtimoiy himoya" nomli darslik tayyorlash.

**SCIENTIFIC COUNCIL UNDER
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DEGREES AT THE INTERNATIONAL ISLAMIC ACADEMY OF
UZBEKISTAN**

**INTERNATIONAL ISLAMIC ACADEMY OF UZBEKISTAN
REGULATORY BASES OF SOCIAL PROTECTION
ISSUES IN ISLAMIC LAW**

JALOLDINOVA MAKHFUZAKHAN ABDUMANNOB QIZI

24.00.03 – Science of Fiqh and Kalam. Theology

**ABSTRACT OF DISSERTATION OF THE DOCTOR OF PHILOSOPHY (PhD)
ON ISLAMIC SCIENCES**

Tashkent – 2024

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INTRODUCTION (abstract of PhD Dissertation)

Relevance and necessity of the dissertation topic. In the processes of globalization and integration taking place in the world, Islamic law (الفقه الاسلامي), which is one of the legal systems, has a special place in that it provides solutions to many problems in society. In Islamic law, the subject of social protection (الرعاية الاجتماعية) is also considered important, and wide-scale measures are defined to ensure the social protection of the population, material and spiritual support, and fight against poverty. Those who need social protection mainly include low-income, widowed, disabled, patients, and other vulnerable categories of the population. Therefore, it is considered urgent to reveal the contemporary significance of rulings, instructions, and solutions related to this in the sources of Islamic law.

In the world, several international organizations and research centres are conducting systematic research on the economic, political, legal, statistical, psychological, and sociological aspects of social protection in Islam. Also, researches are carried out in the field of Islamic law: the maqasid al-shari'a (مقاصد الشريعة) - religion, life, property, mind, offspring protection, family issues (الاحوال الشخصية) - marriage, pension, silat ar-rahim, financial prayers (العبادات المالية) - Topics such as zakat, ushr, fitr, almsgiving, offerings, expiation, sacrifice, ihsan, baytal mal (بيت المال) - state budget, waqf (وقف) - sadaqah are being studied separately and comprehensively. The scientific and practical proposals developed in them make a great contribution to meeting the needs of the world's people who need help and eliminating poverty.

Recognition of the modernized Uzbekistan as a social state is increasing the attention to this field. Extensive research is being done on topics including social protection in Islam. As a result, new social support systems such as "Iron Book", "Women Book", and "Youth Book" are being implemented. Books were published on "Women's Rights in Islam", "Children's Rights in Islam", "Human Rights and Individual Status in Islamic Jurisprudence", and "Waqf Issues in Movarounnahr Hanafi sources". Also, the "Waqf" charity public fund under the Office of Muslims of Uzbekistan contributes to the elimination of problems related to social protection in society.

Decree of the President of the Republic of Uzbekistan No. PF-60 of January 28, 2022 "On the development strategy of New Uzbekistan for 2022-2026", No. PF-128 of April 29, 2022 "On material support of the population in need of social protection on additional measures regarding Decrees No. PF-82 of June 1, 2023 "On comprehensive measures to provide high-quality social services and assistance to the population and establish an effective control system", PQ-230 No. of April 29, 2022 "Social protection and on additional measures for material support of the population in need of assistance" is important as it serves to a certain extent in the implementation of the tasks defined in the Resolution.

Compliance of the research with the main priorities in the field of development of science and technology in the republic. The dissertation was carried out following the priority direction of the republican science and technology development entitled "Formation of a system of innovative ideas and ways of their

implementation in the social, legal, economic, cultural, spiritual and educational development of the information society and democratic state".

The level of research of the problem. The issues of social protection in Islamic law have been studied in jurisprudential literature from the early Islamic period until today, and their rulings have been explained. Accordingly, the reflection on the topic of social protection can be divided into the following two groups:

The first group of studies deals with issues related to social protection in Islamic law in classical and modern jurisprudential sources. In them, the topic of social protection included matters related to "maqasid shari'a", financial prayers, allowance obligations, voluntary charity, waqf, and patronage. For example, it is presented in separate chapters in the works of such jurists as Imam Abu Yusuf, Abul Husayn Quduri, Burhoniddin Margilani, Ubaidullah ibn Mas'ud, Majiduddin Ustrushani, Fakhriddin Qazikhan. Ashraf Ali Tahonaviy, Shafiqurrohman Nadavi, Rashid Husayn Nadavi, Abdulghani Dimashqi, Muhammad Isqati¹, etc., have been studied in separate chapters in modern jurisprudential works.

The second group of researchers has studied the topic of social protection in Islamic law as a whole or one of the issues included in it and related to today. Theoretical aspects of social protection of the population and raising the standard of living in Islamic law in the world. Saglam, F. Beshar, T. Boz, J. Muhammad, I. Abbasi, M. Kahf, S. Scholars such as Al-Yafai, N. Hasan, S. Fitriah, M. Munir² conducted scientific research on social security, and related issues and financial prayers from the perspective of Islamic law.

In Uzbekistan, research has been conducted in the fields of economic, legal, statistical, sociological, historical, and Islamic law. In particular, scientists such as M.

أبو الحسين القدوري. - القاهرة: دار؛ ٢٤٠ ب، ١٣٨٩ هـ. أبو يوسف. كيتوب ال-خاروج. تارج. أ.ماننابوا. - ت.: ٥٣ خا. ٢٠٢١. - ٢٤٠ ب، ١٣٨٩ هـ. السلام. ٢٠٢١. - ٤٠٨ ص؛ برهان الدين المرغلاني. الهداية بداية المبتدي. ج. ١-٢. بيروت: دار الكتب العلمية. ١٩٩٠. - ٤٨٨ ص. عبيد الله ابن مسعود. متن النقاية مختصر الوقاية في المسائل الهداية. - اسطنبول: دار السلطان. ٢٠٢٢. ٢٥٦ ص. مجيد الدين استرثاني. جامع أحكام الصغار. - طشقند: شرق. ٢٠١٣. - ٦٤٨ ص؛ فخر الدين قاضيخان. فتاوى قاضيخان. ج. ١. - بيروت: دار الكتب العلمية. ٢٠١٩. ١٨٨٨ ص؛ أشرف علي التهانوي. مختصر الفقه الحنفي. - كراچي: مكتبة البشري. ٢٠١٣. - ٤٣٧ ص؛ شقيق الرحمن الندوي. الفقه المبسر. - زاهدان: دار الفارق الأعظم. ٢٠١١. - ٢٧٢ ص؛ راشد حسين الندوي. الفقه المبسر علي المذهب الحنفي. قسم المعاشرة والمعاملات. دار ابن كثير. - ٣٢١ ص؛ عبد الغني الدمشقي. تبسّر الباب في شرح اللباب في الفقه الحنفي. ج. ٢. ٨٠ ص. ؛ مصطفى إسقاطى. كفاية المبتدى وتذكرة المنتهى. القاهرة: دار الهداية. ٢٠١٢. ١٩٠ ص.

2. T.Boz., W.Smith. Social Protection In Turkish Communities In Germany and Australia: The Role Of Islam Within The Secular State // Journal of Islamic research. Islamic university Europa, 2011. – P. 56.; L.Mookodi. Social protection./ Social trends. Chapter 8. 2009. – 17 p.; T.Munro. Handbook on Development Policy and Management. Social Protection. – UK. Bookcraft. 2002. – P. 183-192.; J.Muhammad. Corporate Responsibility in Islam. – New Zealand. Auckland university. Dissertation for Doctor of Philosophy. 2007. – 223 p.; M.Munir. Rights of the child an Islamic perspective on preventing violence, abuse and exploitation of children and Pakistan law. Quarterly Journal of Studies and research in Islam. – Islamabad: Hamdard Foundation Pakistan. 2015. – 28 p.; A.Piwko. Islam and the COVID-19 Pandemic: Between Religious Practice and Health Protection\\ Journal of Religion and Health. (Springer) 2021. – 18 p.; .; يوسف القرضاوي. مشكلة الفقر وكيف عالجها الإسلام. 1966. – 178 ص. <https://www.al-qaradawi.net/node/5107> .; Sağlam H. محمد بن أحمد الصالح. الرعاية الاجتماعية و تطبيقاتها في المملكة العربية السعودية. - الرياض: محمد بن سعود. 1999. – 284 ص. İslam hukuk tarihinde sosyal güvenlik kurumları ve sosyal yardımlaşma ve dayanışma teknikleri. <http://www.akademi.org/makaleler/hsaglam-2.htm>.; Faruk Beşer. İslam'da sosyal güvenlik. İstanbul: Nun. 2016. – 264 s., Sosyal İslam. İstanbul: Nun. 2016. – 262 s.; Erol A. Social protection in Islamic law. – Berlin: Peterlang, 2018. – 92 b.; Muhammad .A. Corporate social responsibility in islam. Aucland University of Technology. New Zealand. 2017. – 93 p.; Abbosiy.A. Transnational Islamic charities. The role of International islamic relief of organization of Saudia Arabia in Pakistan. University of Erfurt. 2018. – 252 p.; Kahf M., Yafai.A. Social security and zakah in the theory and practice. – Erfurt: International Journal of economics, management and countings. The International Islamic University Malaysia. 23, no. 2 (2015): 189-215.; Hasan.A. Social security system of islam with special reference to zakah. Jidda. 1984.; Shenojak. E. Islom iqtisodi. Global inqirozdan chiqish. – Toshkent: Iqro-nashr, 2022. – 192 b.; S.Fitriah. Children with Special Needs In The Eyes of Islamic Law and the State. Akademik Jurnal Mahasiswa Humanis. Vol. 1, No. 2, May 2021 – P.77-86.

Usmonova, H. Soatov, L. Khalikova, N. Zokirova, Sh. Sodikova, G. Muradova, and E. Rahmonov have conducted extensive research. Social protection of the elderly, disabled people, organizational and legal bases, and socio-economic aspects were studied among the layers in need of social protection. In terms of Islamic law, research has been done within the framework of topics that are part of social protection. More than 25 books by M. Muhammad Yusuf, one of the famous scholars of the Islamic world, and the works of U.Alimov reflect the topics of social protection. Also, J.Tashkulov, N.Yusupova, I.Bekmirzaev, M.Komilov, Q.Zohidov, M.Haydarov, H.Kadirov, in the social protection institutions include human rights, women's and children's rights, financial prayers, inheritance, social issues. Scientists and young researchers such as M. Hamidov, H. Ishmatbekov, M. Atoev, J. Imamnazarov, N. Hakimova, A. Rahmanov, B. Mukhtorov, Sh. Rashidova, A. Abdullah³ were involved in the research.

³ Усмонова М. Ўзбекистонда кексалар ва ногиронларни ижтимоий ҳимоялашнинг ташкилий-ҳуқуқий муаммолари: Юр. фан. ном. ...дисс. – Т., 1995. – 157 б.; Соатов Х. Бозор муносабатларига ўтиш шароитида кишлоқ аҳолисини ижтимоий ҳимоя қилиш тизимини такомиллаштириш: Иқт. фан. ном. ...дисс. – Т. 1995. – 99 б.; Халикова Л. Ижтимоий ҳимоя социал-иқтисодий муносабат сифатида: Иқт. фан. ном. ...дисс. – Т. 2000. – 115 б.; Зокирова Н. Ижтимоий йўналтирилган бозор иқтисодиёти шароитида аҳолини социал ҳимоя қилиш тизимини такомиллаштириш: Иқт. фан. ном. ...дисс. – Т., 2001. – 140 б.; Содиқова Ш. Жамиятни модернизациялаш жараёнида кексаларни ижтимоий ҳимоялашнинг социологик таҳлили: Соц. фан. док. ...дисс. – Т., 2013. – 236 б.; Мурадова Г. Ижтимоий ҳимояни фуқаролик-ҳуқуқий шартномалар орқали амалга ошириш муаммолари: Юр. фан. ном. ...дисс. – Т., 2011. – 144 б.; Rahmonov E. Farg'ona vodiysida aholini ijtimoiy himoyalash jarayoni (1991-2020-yillar): Tarix fan.fal.dok. diss. avtoref. – Farg'ona, 2023. – 51 b.; Мухаммад Содиқ Мухаммад Юсуф. Одоблар хазинаси. Имом Бухорий Ал-адаб ал-муфрад китобининг шарҳи. Ж.1. – Т.: Nilol-Nashr, 2020. – 528 б.; Мухаммад Содиқ Мухаммад Юсуф. Одоблар хазинаси. Имом Бухорий Ал-адаб ал-муфрад китобининг шарҳи. Ж.2. – Т.: Nilol-Nashr, 2020 – 496 б.; Мухаммад Содиқ Мухаммад Юсуф. Усул ул фикх. – Т., 2021. – 592 б. Мухаммад Содиқ Мухаммад Юсуф. Кифоя. Ж. I. – Т., 2019. – 584 б.; Мухаммад Содиқ Мухаммад Юсуф. Кифоя. Ж. II. – Т., 2019. – 584 б.; Мухаммад Содиқ Мухаммад Юсуф. Кифоя. Ж. III. – Т., 2019. – 640 б.; Мухаммад Содиқ Мухаммад Юсуф. Ҳадис ва ҳаёт. Савдо, зироат ва вақф. – Т., 2022. – 312 б.; Мухаммад Содиқ Мухаммад Юсуф. Закоат садақалар назрлар ва каффоратлар. – Т., 2022. – 240 б.; Мухаммад Содиқ Мухаммад Юсуф. Ислом тарихи. Ж. I. – Т., 2017. – 512 б.; Мухаммад Содиқ Мухаммад Юсуф. Ислом тарихи. Ж. 2. – Т., 2017. – 544 б.; Мухаммад Содиқ Мухаммад Юсуф. Иймон. – Т., 2021. – 368 б.; Мухаммад Содиқ Мухаммад Юсуф. Фикҳий йўналишлар ва китоблар. – Т.: Nilol-Nashr, 2011. – 303 б.; Мухаммад Содиқ Мухаммад Юсуф. Бахтиёр оила. – Т., 2023. – 528 б.; Мухаммад Содиқ Мухаммад Юсуф. Яхшилик ва силаи раҳм. Ж.1. – Т., 2021. – 312 б.; Мухаммад Содиқ Мухаммад Юсуф. Яхшилик ва силаи раҳм. Ж.2. – Т., 2021. – 280 б.; Мухаммад Содиқ Мухаммад Юсуф. Зикр аҳлидан сўранг. Ж.1. – Т., 2022. – 400 б.; Мухаммад Содиқ Мухаммад Юсуф. Зикр аҳлидан сўранг. Ж. VIII. – Т., 2022. – 608 б.; Мухаммад Содиқ Мухаммад Юсуф. Мўминнинг нажоти. Муфасссал закоат китоби. – Т., 2021. – 200 б.; Тошқулов Ж., Юсупова Н. Исломда оила ҳуқуқи. – Т.: ТИУ. 2015. – 320 б.; Юсупова. Н. Исломда аёл ҳуқуқларини ўрганишнинг назарий-тадқиқий жиҳатлари: Юр. фан. ном. ...дисс. – Т., 2005. – 160 б.; Бекмирзаев. И. X-XIII асрларда Мовароуннаҳр ижтимоий муносабатларига оид процессуал ва нотариал ҳужжатлари: Тар. фан. док. (DSc) ...дисс. – Т., 2017.; Комилов.М. Мовароуннаҳр фикх илми ривожига Алоуддин Ас-Самарқандийнинг ўрни ва “Тухфат ул-фуқаҳо” асарининг аҳамияти: Тарих. фан. ном. ...дисс. – Т., 2000. – 149 б.; Зоҳидов Қ. Илк ислом давлатчилиги ва унинг шаклланиш жараёнлари: Тарих. фан. ном. ...дисс. – Т., 2004. – 160 б.; مير عادل خيدروف. الأحوال الشخصية بين الشريعة و القانون الاوزبيكي على المذهب الحنفي. – القاهرة: المكتبة الأزهرية للتراث. 2020. – 143 ص. Мухаммад Содиқ Мухаммад Юсуф. Ислом – маърифат дини. – Т.: Қамар-медиа. 2022. – 400 б.; Раҳманов А. Ислом ҳуқуқшунослигида инсон ҳуқуқлари ва шахс мақоми: Юр. фан. ном. ...дисс. – Т., 2002. – 127 б.; Исхаков С. Бурхониддин Марғинонийнинг “Ҳидоя” асари – муҳим ҳуқуқий манба (тарихий-ҳуқуқий тадқиқот): Юр. фан. ном. ...дисс. – Т., 2002. – 158 б.; Бегматова Б. Ислом ҳуқуқида мерос масаласи: Юр. фан. ном. ...дисс. – Т., 2008. – 133 б.; Атоев М. Исломда болалар ҳуқуқлари. – Т.: Мовароуннаҳр. 2017. – 400 б.; Масайитов С. Боситхон Шошийнинг “Муқаддимат илмил фароиз” асарида мерос масалаларининг ёритилиши. Исл. фан. бўй. фал. док. (PhD). дис... автореф. – Т., 2022. – 48 б.; Қосимов М. Шамсу-л-аймма Сарахсийнинг “Мабсут” асарида молиявий масалалар: исл. фан. бўй. фал. док. (PhD). дисс... автореф. – Т.: Тошкент кимё технология институти, 2021. – 44 б.; Ж.Имамнazarov. Ислом молия тизими имкониятларидан Ўзбекистон иқтисодиётида фойдаланишнинг назарий асосларини такомиллаштириш: Иқт. фан. фал. док. ...дисс. автореф. – Т., 2023. – 68 б.; Ҳақимова Н. Қафғол Шошийнинг “Маҳосин” асарида ислом ҳуқуқи асосларига оид масалалар. Исл. фан. фал. док. ...дисс. – Т., 2022. – 130 б.; Мухторов Б. Носируддин

This dissertation is one of the first research in our country where social protection is comprehensively studied in terms of Islamic law.

The connection of the dissertation research with the scientific research plans of the higher education or scientific research institution where the dissertation was completed. The dissertation was carried out at the International Islamic Academy of Uzbekistan in 2020-2022 within the framework of the scientific project FZ-202002146 - "Creating a multimedia program and a mobile application that includes the educational and educational foundations of the fight against destructive ideas based on the works of Central Asian thinkers".

The tasks of the research are as follows:

elucidating the theoretical and methodological foundations of social protection content in Islam;

to carry out the analysis of the issues related to social protection that came from jurisprudential sources;

elucidating the social protection system and its purpose in Sharia;

general description of social protection institutions and their essence;

determine the role of financial prayers in the social protection system;

show the nature of property rights and duties of spouses in the social protection system;

determining the role of mutual support obligations of parents and children in preventing social protection problems;

to analyze the issues of guardianship and sponsorship of neglected children;

to define the viewpoint of Islamic law in finding answers to social and household problems that arise in the life of society today, developing suggestions and recommendations for their effective use.

The object of the study is the socio-legal relations related to the sources and institutions of Islamic social protection law.

The subject of the study is the basis of regulation of social protection issues in Islamic law.

Research methods. Research methods such as logicity, systematicity, objectivity, and problem-targeted analysis were used in the research process.

The scientific novelty of the research is as follows:

In Islamic law, based on the rule of "responsibility" (المصالح المعتبرة - considered interests), the level of neediness of people is classified according to the principles of necessity zaruriyot (ضروريات - needs), hojjiyot (حاجيات - demands), tahsiniyot (تحسينيات - well-being) and the state of a person's need for social protection is necessity and determination based on need criteria is justified;

Imam Abu Yusuf's book "Kitab al-Kharaj" revealed that jizya (جزية) which is a guarantee of survival of representatives of other religions, later served as a means of introducing allowances (نفقة) for the elderly for financial protection of the socially

Самарқандий ал-Фикҳ ан-нофеъ асарининг ханафий фикҳига оид муҳим манба: Тар. фан. фал. док. ...дисс. – Т., 2021. – 130 б.; Рашидова Ш. Замонавий ўзбек оиласида ислом урф-одатлари ва анъаналарининг эволюцияси. Исл. фал. фан. док. ...дисс. автореф. – Т., 2022. – 43 б.; Абдуллоҳ А. Закот китоби ва закотга оид фатволар. – Т.: Hilol-Nashr, 2022. – 144 б.

vulnerable;

in Islamic law, it was determined that the social protection of unborn children (الرعاية الاجتماعية) was systematically developed by providing material and spiritual care to the fetus (جنين), protecting its life until birth, and providing a pension by determining its lineage;

Although the issue of treatment of women (معالجة) is not widely covered in the classical jurisprudence sources studied during the research, today it is proved that due to the increase of diseases and the importance of maintaining women's health, fatwas (فتاوى) change depending on the time and place by including them among the duties of the husband in modern Islamic law.

The practical results of the research are as follows:

It has been revealed that the emergence and development of social protection in Islamic law occurred earlier in the city-state of Madinah than today's term, and related relations were established based on the goals of Sharia. According to the rules of Islamic law, primary necessary rights: are the protection of religion, life, property, mind, and offspring of a person, it has been scientifically proven that a unique system of social protection has been developed in Islamic law;

In Islam, the set of norms regulating social relations, which are close to each other in content, of the right to social protection constitutes its separate institution, and they constitute compulsory payments and voluntary charity. The importance of these institutions in social protection and their role in solving related issues are based on the following;

It has been proven that the principles of family law norms related to social protection, such as allowance, dowry, family members, and mutual material and spiritual support, provide the basics of social protection in practice, contribute to the elimination of related problems in society;

It is based on the fact that the unsolved parts of the issues related to social protection within the family should be resolved among the relatives and that responsible and capable persons should undertake this, which would serve to significantly reduce the problems, based on the fact that not only obligatory deeds but also acts of mercy, which are considered at their level, play an important role here given

Reliability of research results. The reliability of the scientific results is based on the fact that the Qur'anic verses, the hadiths of Imam Bukhari's "Sahih al-Bukhari" collection, classic and modern jurisprudential sources, as well as the work of Burhoniddin Marginani, who is considered one of the mature jurists of Movarounnahr, "Al-Hidaya sharhu bidayatil muftadi", are used in the research. it is explained by the fact that it is approved by organizations.

Scientific and practical significance of research results. The scientific importance of the research is explained by the fact that the scientific and theoretical conclusions of the study of the topic of social protection in terms of Islamic law serve as a basis for future scientific research in the field, as well as it can be used as literature in terms of Islamic jurisprudence along with philosophical, legal, economic, sociological and historical literature.

The practical significance of the research results is the content of subjects such as

"Fiqh", "Methodology of Islamic law", "Fiqh rules", "Modern jurisprudence issues", "History of Islam" in the International Islamic Academy of Uzbekistan, higher and secondary special religious educational institutions, history, social protection fields. It is based on the fact that it can be used in the enrichment of new theoretical developments, and the development of the methodological basis of lectures, seminars, and special courses.

Implementation of research results.

"Issues of social protection in Islamic law: regulation and foundations" are relevant and important in solving problems in today's society based on the scientific results of the research:

In Islamic law, based on the rule of "responsibility" (المصالح المعتبرة - considered interests), the level of neediness of people is classified according to the principles of necessity zaruriyot (ضروريات - needs), hojjiyot (حاجيات - demands), tahsiniyot (تحسينات - well-being) and the state of a person's need for social protection is a necessity and The scientific conclusions about the determination of needs according to the criteria are included in the content of the book entitled "Historical-philosophical heritage of the scholars and thinkers of the Middle Ages" prepared based on the order of the Imam Bukhari International Research Center under the Cabinet of Ministers of the Republic of Uzbekistan. (Reference No. 02/12 dated January 10, 2024, of the Imam Bukhari International Research Center under the Cabinet of Ministers of the Republic of Uzbekistan). As a result, it was communicated to the general public that the objectives of the Shari'a include social protection;

Imam Abu Yusuf's work "Kitab al-Kharaj" states that the payment of jizya (جزية), which is a guarantee of the survival of representatives of other religions, later served as a means of introducing allowances (نفقة) for the elderly for material protection of the weak social stratum "Culture, religious tradition and customs of the peoples of Central Asia" -customs" (Reference No. 02-02/1-5303 dated July 17, 2023 of the Committee on Religious Affairs of the Republic of Uzbekistan). These conclusions show the specific features of jizya and serve to create positive opinions about it;

Scientific conclusions about the systematic development of social protection of unborn children (الرعاية الاجتماعية) in Islamic law by material and spiritual care of the fetus (جنين) until birth, protection of life until birth, determination of lineage and provision of pensions, "Sunani Tirmidhi Commentary" prepared by Imam Tirmizi International Scientific Research Center " was included in the content of the book (Reference No. 01-07/156 of Imam Termizi International Research Center dated August 7, 2023). As a result, it served to convey to the readers that social protection of the fetus is provided in Islam;

Although the issue of women's treatment (معالجة) is not widely covered in the classical jurisprudence sources studied during the research, today, due to the increase of diseases and the importance of maintaining women's health, fatwas (فتاوى) change depending on time and space by including them among the duties of the husband in modern Islamic law. scientific conclusions about it are included in the contents of the book "Collection of Fatwas" of the Fatwa Center under the Office of Muslims of Uzbekistan (Reference No. 2046 of the Office of Muslims of Uzbekistan dated July 20,

2023). As a result, solutions to the problems related to the treatment of women in families today from the point of view of Islamic law and its importance served to reach the readers.

Approval of research results. The results of this research have been approved at a total of 8 - 4 international and 4 national scientific-practical conferences.

Publication of research results. 15 scientific works on the topic of research, including 7 articles in scientific publications recommended for publishing the main scientific results of Doctoral Dissertations of the Higher Attestation Commission of the Republic of Uzbekistan, 5 of them were published in republican and 2 foreign scientific journals. Abstracts were published in 4 international and 4 local conference proceedings.

The structure and scope of the dissertation. The dissertation consists of 3 chapters, 8 chapters, a summary, and references. The total is 122 pages.

THE MAIN CONTENT OF THE DISSERTATION

In the introduction, based on the relevance and necessity of the Dissertation topic, the purpose and tasks of the research, and the object and subject of the study are defined. The relevance of the research to the priority directions of the development of science and technology is shown, and the scientific novelty and practical results of the work are described. Based on the reliability of the obtained results, their theoretical and practical importance is revealed. Information on the implementation of research results, approval of the work, published works, and the structure of the Dissertation is presented.

In the paragraph entitled *"Methodological approaches in studying the concept of social protection in Islamic law"* of the dissertation **"Theoretical and methodological foundations of the content of social protection in Islam"** the history of the emergence of the term, theoretical foundations in terms of Islamic law were studied. The word "social" is derived from the Arabic word "community", and "belonging to the society", and means a person who is dependent on the life of a person and society, who serves the public voluntarily (unrequitedly) for its needs. The word "Himaya" is also from Arabic and means "to be under someone's protection, care, defence, barrier". The term social protection has been given various scientific definitions, and the main generalizing point is to provide unbiased assistance to people. Analyzing the given definitions, their contents can be summed up and described as follows: "Social protection means comprehensive support by the state and society members of the stratum of society that needs both material and moral support⁴."

The history of social protection in Islamic law goes back to the times of the Islamic prophethood. There is no separate definition of the concept of social protection in the sources. However, the practical expression of this is reflected in the social and economic life of the Islamic state of Madinah, founded by the Prophet Muhammad (P.B.U.H.).

In Islam, social protection has a divine character, and its main goal is "impartial protection of people for the sake of God." By implementing its systematized norms, a

⁴ Ўзбек тилининг изоҳли луғати. Ж. 1,2. Ўзбекистон миллий энциклопедияси. – Т., 2020. – Б. 177-178, 531.

Muslim gains benefits for this world and the hereafter. Social protection problems in society are rooted in poverty. The problems it creates simultaneously reflect issues related to social protection. Professor Yusuf Karzavi listed the negative consequences of poverty⁵ in order from small to large, depending on the scale, and explained each of them from the Islamic point of view. He emphasized that poverty hurts faith, then behaviour, thinking, family, and society's stability. So, the problems related to social protection are expressed in the form of a chain, which is first of all an individual, then family and society. When solving them, it is necessary to solve them according to this series.

In the second paragraph of the first chapter entitled "*Analysis of social protection issues in jurisprudential sources*", how social protection is reflected in the sources of Islamic law, i.e. the Qur'an, hadith, ijma, is studied, classified, and analyzed. According to the results of the research, there are 25 verses about social protection in Surah Baqara alone. They include topics that contribute to the improvement and stabilization of people's social lives, such as zakat, almsgiving, offerings, donations, and allowances. In these verses of Surah Al-Baqara, the following aspects that serve to improve and stabilize the social relations of people are stated:

1. Doing good to parents, relatives, orphans, the poor, and strangers;
2. To share with others from his loved property;
3. To spend their wealth with sincere intention;
4. Good debt (interest-free debt).

Factors indicating social protection and serving to ensure social protection in the society mentioned in Surah Al-Baqara were studied and classified as follows:

1. Making people spend their wealth in the way of God.
2. Increasing the amount of reward given to those who donate in good faith.
3. When performing meritorious deeds, strict orders are given so that people can see them, or they are discouraged from giving thanks afterwards.
4. Making gifts in a beautiful condition.
5. To make all financial support from the product of a person's labour and the best.
6. Giving special rewards in the Hereafter.

Hadiths, which are the basis of social protection in Sunnah, the second source of Islamic law, were studied based on Imam Bukhari's collections "Sahih al-Bukhari" and the work "Adabul Mufrad", which contains authentic reports on the topics of social relations and Imam Muslim's collection "Sahih Muslim".

In Uzbekistan, the hadith collections called the "Golden series" are being translated, researched, and published by hadith experts. At the beginning of this collection is the part "Sahihul Bukhari". The collection contains hadiths about social protection. Chapter 55 of the work "The Book of Wills" also contains hadiths related to this topic. The hadiths mentioned in them mention charity, waqf, their role, and importance, and they are called to do good to the needy people and their relatives. Islamic law has agreed on many issues that reflect social protection and are part of it. In particular, it is obligatory to pay zakat, to do good to one's parents, to earn food for oneself and dependents, to protect one's family from heat and cold, to build a house to

⁵ يوسف القرضاوي. مشكلة الفقر و كيف عالجها الاسلام. 1966. – 178 ص. <https://www.al-qaradawi.net/node/5107>

protect one's surroundings from harmful things, and for minor children who do not have property. It is agreed that their father should be responsible for their provision and that it is mustahab to give the sacrificial meat to the poor.

The work "Sahihi Muslim" by the famous scholar Imam Muslim is important in the Islamic world. This work contains not only hadiths about worship but also hadiths about interaction and social relations between Muslims. As a result of the research, it was found that the hadiths on the topic of social protection are mainly presented in the book "Zakat", part 2, part 12 of the work. This part contains 56 chapters, a total of 231 hadiths from 2135 to 2366. They include the following financial topics: the importance of topics such as zakat, ushr, fitr, sadaqah, and allowances, their promotion, benefits, consequences, and harms of their non-fulfilment discussed.

A total of 1322 hadiths divided into 644 chapters are presented in the work "Adabul Mufrad". The book contains hadiths related to social relations and manners related to people's dealings with each other. The work contains many hadiths on the following topics including social protection: doing good to parents, showing mercy, doing good to one's neighbour, brotherhood, charity, doing good to orphans, generosity.

There is consensus on many issues that reflect social protection in Islamic law and are part of it. In particular, it is obligatory to pay zakat, to do good to one's parents, to earn a living to provide oneself and dependents with food, to protect one's family members from heat and cold, to build a house to protect oneself from harmful things around them, and to provide for young children who have not reached the age of majority. It is agreed that it is mustahab that they should be put on their father's shoulders and that it is mustahab to feed the sacrificial meat to the poor.

In the paragraph of the first chapter *"Explanation of the social protection system and its purpose in Sharia"* the meaning is shari'a, that is, the system of protection of human life, mind, religion, property, and genealogy, which is the main goal of shari'a, its characteristics and "maslahatul mu'tabara" in usul fiqh. The role of such concepts as "mahkumun fiyh" and "haqqullah" in social protection was studied.

In Islamic law, the rules for ensuring the social protection of the entire society, starting from the family (its members), which is the smallest link of the state, are specified. Measures have been developed to ensure the social protection of a person at every stage of his life, from birth to death. This includes the rights of fetuses, infants, young children, women, the elderly, the disabled, the sick, and the poor, and is reflected in the protection through the following systems: the meaning of Shari'a (protection of religion, life, mind, offspring, property), in matters related to family (marriage, allowance, silat ur-rahim), financial prayers (zakat, ushr, fitr, almsgiving, offering, expiation, sacrifice, donation), baytul mol (state budget), waqf (sadaqah jariyah).

It is important to study the rules, judgments, and doctrines of these systems aimed at human protection as one of the ways to eliminate and prevent problems related to social protection. Usul al-fiqh scholars stated that "the general purpose of Sharia rulings is to reveal all the things that are necessary for the life and happiness of people in this world." This is done by attracting interest to them and repelling harm from them⁶. It is clear from this that the primary goal of Sharia, especially the entire scope of fiqh, is

⁶ Мухаммад Содик Мухаммад Юсуф. Ислам тарихи. Ж.1. – Т: Hilol-Nashr, 2017. – Б. 370.

social protection. That is, it envisages comprehensive protection of all members of the Muslim community.

In Islamic law, social protection is implemented by providing strong protection to every person who pursues these five goals throughout his life. He arranged the basis for all the necessities, needs, and interests of man to live throughout his life. In Islamic law, based on the rule of "responsibility" (المصالح المعتبرة - considered interests), the level of neediness of people is classified according to the principles of necessity zaruriyot (ضروريات - necessary), hojjiyot (حاجيات - needs), tahsiniyot (تحسينات - well-being), and the state of a person's need for social protection is a necessity and determined according to the criteria of need.

Social protection institutions are described in the paragraph entitled "*General description and essence of social protection institutions in Islam*" of the chapter "**Institutions and directions of social protection in Islam**" of the dissertation. In Islamic law, the main part of social protection relations is economic issues and financial relations. Also, at their core are the principles of prayer, unbiased intention, unselfish help, and solidarity. Therefore, the factors that serve to ensure social protection are sources that satisfy material needs. Their occurrence is divided into two according to Shariah rulings: mandatory payments and voluntary donations

In Islam, the set of norms regulating social relations, which are close to each other in terms of the right to social protection, constitutes its separate institution. The main institutions of the Islamic social security law are the compulsory payments and voluntary alms listed above, i.e. zakat, fitr, allowance, ushr, khiroj, almsgiving, waqf, charity, debt hasan, gift, hiba, ariya (free rent), nazr and waqf. institution. Each of them was classified and interpreted and their role in social protection was shown.

During the research, the implementation of social protection institutions is characterized by the following priority principles: human rights and interests, doing good (to parents, relatives, neighbours, etc.), taking care of poor relatives, mutual solidarity, generosity, brotherhood, and good treatment. was determined. Also, in his work "*Mushkilatul faqri va kaifa a'lajahal Islam*", Dr. Y. Karzovi mentions the following institutions of Islamic social protection as measures of Islamic law to solve the problem of poverty and social protection: taking care of poor relatives, zakat, state support, compulsory rights other than zakat, voluntary donations and personal donations⁷.

The second paragraph of the chapter is called "*The Importance of Financial Prayers in the Social Protection System*", and it reveals the role of financial prayers in social protection and the importance of solving problems. According to verse 60 of Surah Tawba mentioned above about zakat, the categories of zakat recipients are defined as the following: poor, needy, alms workers, debtors, and foreigners. The purpose of introducing zakat in Islam is to improve the way of life. The purpose of zakat is not only to create conditions for the poor for one or two years but also to form permanent and regular social security in society.

The importance of Zakat and its benefits to society include social justice, social protection, circulation of wealth among members of society, human brotherhood,

⁷ <https://www.al-qaradawi.net/node/5107> يوسف القرضاوي. مشكلة الفقر و كيف عالجه الاسلام. 1966. - 39 ص.

prosperity, and development.

According to Nihat Gumush, a professor at Ibn Khaldun University of Turkey, Uzbekistan has the potential to pay 500 million to 1.5 billion US dollars in zakat per year. This amount corresponds to approximately 5-15% of the budget of Uzbekistan⁸. Therefore, if zakat, which is one of the national and religious values in society, is widely promoted among Muslims, it will bring many benefits. Also, if the development of a special system related to this is carried out, as a practical result of this, many problems of the socially vulnerable stratum will be solved and it will make a great contribution to the social development of the state.

The third chapter of the research, *"The Nature of Property Rights and Duties of Spouses in the Social Protection System"* of the chapter **"Contemporary Significance of Pension Obligations in Providing Social Protection of the Person"**, reveals the role of the couple in social protection in terms of mutual relations and Islamic law. The social protection of the child, who is a member of the family, is also important, and one of his rights before birth is to ensure the good development of the fetus without physical and mental stress. This reflects the social protection and maintenance of the child. The rights that arise after the birth of a child include: genealogy, breastfeeding, aqiqah for the child, allowance, kindness to the child, justice between children, and marriage after reaching adulthood.

Due to the implementation of the norms of the Pension Institute, the needs of family members are met and resolved within the family itself. If this issue cannot be resolved within the family due to factors such as the loss of a breadwinner, the family will be taken out of the family, and provision will be made through close relatives, neighbourhood, and state guardianship.

Obligations of the husband towards his wife are one of the main factors in ensuring social protection. After all, it guarantees the material and spiritual needs of a woman. The practical expression of these obligations avoids problems related to social protection.

According to Islamic law, property relations between husband and wife are manifested in three cases: dowry, alimony, and inheritance. Norms of the dowry institution, the obligation to pay dowry, its amount, the procedure for resolving the issue if no dowry is specified in the registration of marriage, the consequences of promising dowry in the registration of marriage, and its non-fulfilment, the wife's use of dowry, her right to own it, dispose of it, the husband's right to withdraw dowry from his wife or regulate relationships related to the inability to receive.

In Islamic law, one of the property rights of a woman arising from marriage is pension, and in the field of social security, pension is one of the most important subjects. First of all, allowances for women arising from family relationships are provided. Maintenance is the husband's biggest and most lasting obligation to his wife.

The norms of the Pension Institute regulate relations between spouses, parents and children, and other family members on material support of each other. The main duty of the husband is to provide the family with an allowance, which mainly includes providing food, clothing, and housing for the wife. However, Khalid Saifullah

⁸ Америкада мусулмонлар 1.8 миллиард закот бердилар. <https://islommoliyasi.uz/uz/amerika-zakot-1-8-milliard/>.

Rahmani, one of the most advanced jurists of today, in his book entitled "Financial Rights of Women" stated that the expenses of treatment of a woman today are included in the pension and must be borne by the husband. He noted that although the fatwa books written in earlier periods did not include treatment in pension, there are references to it in some jurisprudence books. For example, in the book "Majma'ul Anhur" he defined that "Nafaqa is the things that a person's life depends on, such as food, drink, clothing, and shelter." "So, today, human health is one of the necessary things that ensure the continuation of life, like food and clothing. Therefore, the treatment is from the allowance, and the husband is obliged to do so"⁹. It can be concluded from these considerations that if a woman is sick, it is her husband's responsibility to treat her and pay for her.

The principles of family law norms related to social protection include alimony, dowry, silai rahm, mutual respect of family members, and mutual material and spiritual support. They represent the foundations of social protection and its practical provision in Islamic law. It is also considered as one of the solutions in solving the related problems in the society. In Islam, the mutual duties and obligations of the spouses, their rights, and their practical application ensure the comprehensive protection and stability of the family. Eliminates the occurrence of various problems related to social protection.

The second paragraph of the chapter is called *"The Role of Mutual Support Obligations of Parents and Children in Preventing Social Protection Problems"*, it describes the obligations of parents from the birth of their child to adulthood and the importance of their fulfillment in social protection.

The principles of family law norms related to social protection include alimony, dowry, silai rahm, mutual respect of family members, and mutual material and moral support. They represent the foundations and practical provision of social protection in Islamic law. It is also considered as one of the solutions in solving the problems related to this in society.

The social protection of the child, who is a member of the family, is also important, and one of his rights before birth is to ensure the good development of the fetus without physical and mental stress. This reflects the social protection and maintenance of the child. The rights that arise after the birth of a child include: genealogy, breastfeeding, aqeeqah for the child, allowance, kindness to the child, justice between children, and marriage after reaching adulthood.

The criterion of the rights and obligations of parents and children mentioned in Islamic law is important in the provision of social protection because having them in place can prevent many problems from occurring.

Sheikh Muhammad Sadiq Muhammad Yusuf¹⁰, one of the most mature scholars of the Islamic world, divides the rights of the child, in particular, the duties of the parents into the rights that arise before the birth of the child, during pregnancy, and after birth. Prenatal rights include choosing suitable parents, praying for a righteous child, and taking care of the child during pregnancy until birth. The rights that arise after the birth

⁹ <https://fatvo.uz/question-view/399>.

¹⁰ Мухаммад Содик Мухаммад Юсуф. Бахтиёр оила. – Т.: Hilol-nashr, 2023. – Б. 265-355.

of a child include genealogy, nursing, giving a suitable name, giving alimony, allowance, kindness, sponsorship, guardianship, justice between children, and marriage after reaching adulthood. Also, the periods of raising a child to adulthood are divided into the stages of razat, hizona, and walaya. All of these play a key role in the provision of social protection for the child, and all of them are analyzed in the research.

Today, there are many social problems related to child support. When a couple separates, they argue about who should take care of the child and maintenance issues. Therefore, scholars have received many questions regarding the attitude of Shariat. Regarding this question, according to the "Fatwa Center"¹¹ under the Office of Muslims of Uzbekistan, it is necessary to support a divorced wife only during the period of Eid, but to provide food, clothing, and housing for the boys until they reach puberty, and for the girls until they get married. The answer is that it does not matter whether the children live with their father or their mother, the father is responsible for providing.

In addition, just as parents have maintenance obligations towards their children, adult children also have to provide for their parents. This is specifically recognized in the sources of Islamic law. For example, in the work "Hidaya"¹² it is stated that no one (relatives) should be a partner in providing them with alimony, and if there is property of the missing son, it will be assigned from that wealth.

The third paragraph of the chapter is called *"Analysis of guardianship and patronage issues of neglected children"*, it describes the procedures and importance of implementation of social protection of a person by other members of the family through guardianship or with sponsorship if the social protection of a person is not provided in the family.

Guardianship and sponsorship issues have been systematically developed in a unique way in Islamic law. Comparing them with today's legislation, they are mutual in solving the problems that have arisen in this regard and meeting the existing needs. Guardianship and patronage issues are one of the most important parts of social protection. Therefore, it is precisely minor orphans and children deprived of parental care who are most in need of social protection.

According to the schools of Imam Abu Hanifa, if a person becomes poor, he is obliged to support his dependents. Accordingly, children and grandchildren, great-grandchildren, as well as father, grandfather, and grandfather's father (if they are still alive) are obliged to provide for their children.

Allama M. Muhammad Yusuf's work "Kifaya," says the following about the persons who are obliged to provide the child with an allowance: Parents, grandfathers, and grandmothers are meant by the "principles" who are obliged to provide the child with an allowance. This benefit is equal between the son and the daughter. It focuses on intimacy and intimacy, not inheritance. It does not make any difference whether it is a son or a daughter when it comes to giving allowances to parents and other dependents. It is obligatory to give alimony to a daughter as much as it is obligatory to give it to a son. Inheritance is not considered in this matter, kinship (close kinship) and filial piety are taken into account.

¹¹ Ўзбекистон мусулмонлари идораси фатво хайъати. <https://fatvo.uz/question-view/815>.

¹² برهان الدين المرغلاني. الهداية بداية المبتدي. ج. 1-2. بيروت: دار الكتب العلمية. 1990. - 328, 330 ص.

Child custody and guardianship are mainly given to orphans, who are the most vulnerable group in society and need social protection. They will be young, weak, and heartless. In Sharia, a child whose father has died and who is underage is considered an orphan. Their protection is fully ensured based on strict sentences. In the Qur'anic verses and hadiths, it is strongly forbidden to do good, to be kind, and to do oppression. In particular, in verse 9 of Surah Zuho¹³, it is forbidden not to be angry with orphans, that is, not to humiliate, discriminate, and take away their rights. In the hadiths, it is emphasized that the best of families are those who do good to orphans.

Also, sponsorship issues are considered important elements of social protection. Among them are the institution of waqf in Islamic law, the role of modern non-profit organizations in society, and different and mutually compatible aspects of relations related to it. The roles of waqfs and foundations in providing social protection are similar to each other, but they differ in terms of the directions they cover and management features¹⁴.

Even today, the importance of the foundation is at a high level, and the unique form of the foundation in Uzbekistan, i.e., the activity of the "Waqf" charity public fund, contributes to the social protection of the population. The "Waqf" fund was established by the decree of the President on April 16, 2018 "On measures to fundamentally improve the activities of the religious and educational sphere"¹⁵.

According to this decree, one of the tasks of the fund is to provide material and moral support to the population in need of social protection, including the disabled. "From the funds received by the Waqf Charitable Public Fund, 12 billion will be allocated to the direction of material and moral support of the population in need of social protection, including persons with disabilities. 935 mln. Soum funds have been directed. In particular, 13,802 of the citizens in need of social protection who applied for financial assistance to the fund received a total of 6 billion from the "zakat" and "charity" accounts, respectively. 117 mln. Financial support was provided in the amount of sums¹⁶.

In Islamic law, the issues of guardianship and sponsorship are clearly and systematically presented. The main problems related to social protection that need to be solved are related to minor orphans and children deprived of parental care. In their solutions, the criteria given by the Islamic law procedures, which have become national and religious values, make a great contribution. It is the practical provision of children's rights related to this that prevents them from economic problems and serves to improve their mental state and spiritual maturity. Islamic law has raised the rights of this type of child to a high level. In the Qur'an and hadith, it is stated that the merits of strong warnings and their support will increase and that it is at the level of prayer. And this leads Muslims to be vigilant and encourage and be enthusiastic in such matters.

¹³ ابن كثير. تفسير القرآن العظيم. – بيروت: دار الكتب العلمية. 1998. – 413 ص.

¹⁴ Кенжабойева Р. X-XIII асрлар Мовароуннахр ҳанафий манбаларида вақф масалалари. Исл. фан. фал. док. дисс. автореф. – Т., 2021. – Б. 22.

¹⁵ Diniy-ma'rifiy soha faoliyatini tubdan takomillashtirish chora-tadbirlari to'g'risida. <https://lex.uz/docs/3686277>.

¹⁶ 2021-yil davomida sohaviy vazifalarni amalga oshirishda yunaltirilgan xayriya mablag'lar haqida hisobot. <https://vaqf.uz/uz/news/view/786>

CONCLUSION

Based on the goals and objectives of the study devoted to the study of the scientific-practical application of the regulation and foundations of social protection issues in Islamic law, the following conclusions were reached:

1. The practical and theoretical formation of the right to social protection in Islam has a centuries-old history, and it is regulated as a unique system of material and moral protection of the population in need of assistance based on the basic principles and norms of Sharia. The history of the creation of its theoretical and practical rules dates back to the period after the emigration of the Prophet Muhammad (pbuh) to Madinah, and these rules were further developed during the time of the Khulafai Rashid, Tabein, and Mujtahids.

2. In the main sources of Islamic law, the Qur'an, Sunnah, and Ijma, issues related to social protection are of great importance and are clearly and thoroughly covered. In more than 25 verses of Surah "Baqarah" alone, words related to this topic appear 157 times in hadiths. They are financial prayers, allowance obligations, voluntary financial assistance, compassion between family members and relatives, caring for orphans, the poor, and strangers, doing good based on the mutual support of members of the society, brotherhood, giving charity, sharing with others what is good for oneself, It is regulated in the form of orders, instructions, promotions and warnings in case of violation of rights in this regard, with the principles of spending property for good purposes.

3. In Islamic law, the social protection system is regulated based on the principle of "responsible exchange" and the principle of sharia, and the primary and necessary interests of the subjects of social protection are provided in 5 aspects: protection of religion, life, property, mind, and offspring. The level of neediness of people is classified according to the principles of necessity, necessity, and necessity, and the state of need for social protection of a person is determined according to the criteria of necessity and necessity.

4. Institutions of social protection law in Islam constitute a set of interrelated concepts and standards, there are more than 15 of them, they are divided into mandatory and voluntary payments and include zakat, ushr, fitr, sadaqah, nazr, expiation, sacrifice, gift, bequests, endowment. , dowry, and allowance are included. The specific rules of each are systematically arranged. As subjects, according to Surah Tawba verse 60 and signs of need, the poor and needy, those who work in charity work, debtors, foreigners, disabled people, and sick people are defined.

5. In Islamic law, the organizational mechanism of social protection is mainly focused on the economic and financial obligations imposed on taxpayers. The principles of prayer, unbiased intention, unselfish help, kindness, and solidarity lie in the essence of the fulfilment of obligations. Their occurrence is divided into compulsory and voluntary payments in terms of Shariah rulings. It should be noted that, in addition to the state social protection programs, financial contributions such as zakat, ushr, and almsgiving in the social protection system of the Islamic religion have been proven to have a special role in providing the needs of the social problems in the society, especially those in need of material support.

6. Problems related to social protection are rooted in the family and arise as a result of the non-fulfilment of rights and obligations between members. In the main sources of Islamic law, more than 70 verses and more than 200 hadiths refer to women's issues and their rights. First of all, the actual fulfilment of dowry, pension, and inheritance, which are property obligations of the husband towards his wife, is one of the factors that ensure social protection. After all, it guarantees the material and spiritual needs of a woman. In Islam, if the husband requires financial support, not only male relatives, but also female relatives support him, and huge rewards are promised.

7. The main part of the subjects of social protection are children, who need material and moral support until they reach adulthood. Social protection of children is also important in Islamic law, and even the moral and material rights of the fetus are fairly defined. After coming into the world, their rights until they reach adulthood are systematically regulated based on important rules such as parentage, breastfeeding, maintenance, protective custody, guardianship, and sponsorship. In the family, the needs of the family members are satisfied due to the implementation of the norms of the welfare institution, and the social protection issues are solved in it.

8. In Islamic law, the rules of guardianship and guardianship of neglected children have been systematically developed. They are mutually in common with today's legislation in terms of solving the problems that have arisen in this regard and meeting the existing needs. When a child is deprived of parental care, the order of who is responsible for his upbringing and maintenance among his close relatives is clearly defined. This indicates that it will be resolved between family members. In fiqh sources, it is mentioned that there is a strong warning in this regard and that the merits of supporting them are increasing, it is at the level of prayer.

Based on the results and conclusions obtained during the research, the following suggestions and recommendations have been put forward:

1. Creative use of the Family Code of the Republic of Uzbekistan chapter "Contractual procedure of husband and wife's property", assuming that the conditions related to allowances in the marriage contract are determined in the marriage contract, helps to increase the responsibility towards the family, in particular, the woman in the society;

2. Conducting research in the direction of comparative study of the national law of the countries where Islamic Sharia is in force, while theoretically researching the nature of views on strengthening the social protection system in the works of Movarounnahr jurists, on the issue of practical application;

3. Preparation of a textbook entitled "Social Protection in Islamic Law" for students of the "Social work" field to study the subject of social protection in terms of our national and religious values.

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МЕЖДУНАРОДНОЙ ИСЛАМСКОЙ АКАДЕМИИ УЗБЕКИСТАНА**

МЕЖДУНАРОДНАЯ ИСЛАМСКАЯ АКАДЕМИЯ УЗБЕКИСТАНА

ЖАЛОЛДИНОВА МАХФУЗАХОН АБДУМАННОБ КИЗИ

**ОСНОВЫ РЕГУЛИРОВАНИЯ ВОПРОСОВ СОЦИАЛЬНОЙ ЗАЩИТЫ
В ИСЛАМСКОМ ПРАВЕ**

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ВВЕДЕНИЕ (аннотация диссертации доктора философии (PhD))

Цель исследования. Выявить особенности и источники регулирования вопросов социальной защиты в исламском праве.

Объектом исследования являются социально-правовые отношения, связанные с источниками и институтами исламского права в вопросах социальной защиты.

Предметом исследования являются основания для урегулирования вопросов социальной защиты в исламском праве.

Методы исследования. В исследовании использовались такие методы исследования, как логичность, системность, объективность, проблемно-ориентированный анализ.

Научная новизна исследования заключается в следующем:

доказано, что в исламском праве на основе правила «масолихи муътабара» (المصالح المعتبرة — учтенные интересы) потребительский уровень классифицируется по принципам необходимости (ضروريات — необходимо), необеспеченности (حاجيات — нужды), улучшения (تحسينات — благополучие), так потребность в социальной защите определяется, исходя из критерия необходимости и необеспеченности;

выявлено, что в книге имама Абу Юсуфа «Китаб аль-Харадж» определено, что джизья (جزية), являющаяся подушной податью представителей других религий, в дальнейшем послужила средством введения пособий (نفقة) для пожилых людей с целью финансовой защиты социально уязвимых слоев населения;

определено, что в исламском праве системно развивается социальная защита нерождённых детей (الرعاية الاجتماعية) путем оказания материальной и духовной заботы о плоде (جنين), охраны его жизни до рождения и определения его происхождения;

доказано, что в современном исламском праве вопрос, связанный с лечением женщин (معالجة) не требовал широкого освещения в изученных в ходе исследования источниках классической юриспруденции, сегодня, в связи с ростом заболеваемости и важностью сохранения женского здоровья, фетвы (فتاوى) изменяются в зависимости от времени и пространства, включив их в число обязанностей мужа.

Внедрение результатов исследования в практику.

На основе разработанных заключений и рекомендаций по результатам диссертации по теме «Основы регулирования вопросов социальной защиты в исламском праве» были внедрены следующие предложения:

предложение о том, что в исламском праве на основе правила «масолихи муътабара» (المصالح المعتبرة — учтенные интересы) потребительский уровень классифицируется по принципам необходимости (ضروريات — необходимо), необеспеченности (حاجيات — нужды), улучшения (تحسينات — благополучие), так потребность в социальной защите определяется, исходя из критерия необходимости и необеспеченности включены в содержание книги

«Историко-философское наследие Ближнего Востока». Ученые и мыслители», подготовленной по заказу Международного научно-исследовательского центра имама Бухари при Кабинете Министров Республики Узбекистан (Справка № 02/338 от 27 июля 2023 г. Международный научно-исследовательский центр имама Бухари при Кабинете Министров Республики Узбекистан). В результате до широкой общественности доведены суть социальной защиты в рамках шариата;

научные выводы о том, что в книге имама Абу Юсуфа «Китаб аль-Харадж» выявлено, что джизья (جزية), являющаяся подушной податью представителей других религий, в дальнейшем послужила средством введения пособий для пожилых людей с целью финансовой защиты социально уязвимых слоев населения, включены в учебное пособие «Культура, религиозные традиции и обычаи народов Средней Азии» (Справка №02-02/1-5303 от 17 июля 2023 г. Комитета по делам религий Республики Узбекистан). Данные выводы показывают роль и важность джизьи, также они послужили формированию положительного мнения о ней;

научные выводы о том, что в исламском праве системно развивается социальная защита нерождённых детей (الرعاية الاجتماعية) путем оказания материальной и духовной заботы о плоде (جنين), охраны его жизни до рождения и определения его происхождения, включены в содержание книги «Комментарий к Сунани Термизи», подготовленной Международным научно-исследовательским центром Имама Термизи (Справка № 01-07/156 от 7 августа 2023 г. Международного научно-исследовательского центра Имама Термизи). В результате данного вывода до читателей доведен тот факт, что в исламе предусмотрена социальная защита плода;

научные заключения о том, что в современном исламском праве вопрос, связанный с лечением женщин (معالجة) не требовал широкого освещения в изученных в ходе исследования источниках классической юриспруденции, сегодня, в связи с ростом заболеваемости и важностью сохранения женского здоровья, фетвы (فتاوى) изменяются в зависимости от времени и пространства, включив их в число обязанностей мужа, включены в содержание книги «Сборник фетв» Центра фетв при Управлении мусульман Узбекистана (Справка №2046 от июля 20 ноября 2023 года Управления мусульман Узбекистана). В результате широкая общественность ознакомилась с тем фактом, что социальная защита, отраженная в концепции «хаккуллах», имеет практическое проявление в финансовой поддержке населения.

Апробация результатов исследования. Результаты исследования одобрены на 4 международных и 4 национальных научно-практических конференциях.

Опубликованность результатов. По результатам исследования опубликованы в 15 научных работ, в том числе 7 статей в научных изданиях, рекомендованных к публикации основных научных результатов докторских диссертаций ВАК Республики Узбекистан, из них 5 – в республиканских и 2 – в зарубежных научных журналах. Тезисы опубликованы в 4 международных

и 4 местных сборниках конференций.

Структура и объем диссертации. Диссертация состоит из 3 глав, 8 параграфов, аннотации и списка литературы. Объем диссертации составляет 122 страницы.

E'LON QILINGAN ISHLAR RO'YXATI
LIST OF PUBLISHED WORKS
СПИСОК ОПУБЛИКОВАННЫХ РАБОТ

I bo'lim (I part, I част)

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6. Jaloldinova.M. Terms in the meaning of social protection and their interpretation from the perspective of Islamic law. Theoretical&Applied Science. International Scientific Journal. Volume:121, Issue 05, Philadelphia, USA 2023. –P 64-66. (24.00.00. №17)

II bo'lim (II часть, II part)

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Avtoreferat “Jamiyat va boshqaruv” jurnali tahririyatida tahriridan o‘tkazilib,
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