Conclusion

The development of Islamic jurisprudence (Shari'ah) can be divided into various distinct phases. In its first phase legislation extends up to 1A.H/ 622 A.D. This is the most significant period during which legislation took place through revelation of Quran itself and instructions provided by the Prophet. The second phase extends from Prophet's passing away and would cover the time of companions and their successors. This crucial period is earmarked with the collection of decisions/ opinions of the Prophet and his companions, legislation under the guidance of four caliphs and the collection, arrangement and placement of Quranic instructions in absolute legislative form. The third phase saw the revolutionary trends, concepts and experiences like interaction, multi-culturism and theoretical and scientific study of law and religion which expanded its scope for changing circumstances. In fact Islamic Jurisprudence is not a rigid system of law, rather a flexible and comprehensive legal system based on revelation, reason and public good. It has developed through various stages to be implemented in all ages and all social environments. As a matter of fact it can accommodate a number of social changes and all such requirements which arise from social evolution. In present times the Muslim world is facing intellectual, political, social, economic and educational crises, in this respect we can not run away from modern intellectual and scientific advances and take refuge in traditional mode of acquiring knowledge, rather to move forward with out getting cut of from the past experiences which is part of our glorious history. Modern concepts,
theories and ideas do make their impact on our ways of thinking and some times even on our glorious heritage which has come into existence by the interaction with different nations, regions and social contacts. The interaction and the social contacts have been discussed by jurists under the titles Istehsan (juristic equality), Istislah (Public good) or Masaliah Mursalah (Public interest). So for as the nature of these technical terms is concerned they represent and carry the innovative and time considering aspect of the legal philosophy of Islam. The scholars of medieval times have utilized their utmost intellectual worth to ensure legal benefit to the general public. In this way they have succeeded in formulating the solution to socio-religious and political issues. It is precisely the ultimate relationship between the Socio-religious and judicial backgrounds that the scope of Islamic jurisprudence has widened and maintained the connection between public and the divine command.

The jurists and scholars of medieval Uzbekistan have shown their utmost concern to deal with the problems which arise from social, economic and political interactions in different situations. The social, educational, political and legal developments during the Ummayad (661-750 A.D), the Abbasid (750-1258 A.D) and in the period of sundry dynasties like the Sammanid (874-1005 A.D) periods were having great importance. During this period, the interaction with different cultures, nations and regions widened the scope of legal discourses. In this period Islamic jurisprudence was studied with contemporary relevance in order to make possible a firm and strong relation between the law and the concept of public good. The flow of information with
regard to the development of Islamic jurisprudence was not only adopted by the Central Asia scholars in general and Uzbek Muslim jurists in particular, but also contributed to this flow of information by virtue of commentaries, annotations, selective principles, techniques, modes and methods to study the subject with its contemporary relevance. The mode of operating upon the primary sources and consideration of over all socio-political and legal scenario, then its evaluation by means of consensus and analogy was the main contribution of the Uzbek Muslim jurists. These scholars have compiled renowned works which helped in codifying Islamic law to the changing circumstances.

The scholars discussed in chapter-III of this thesis have done a marvelous contribution in the field of Islamic jurisprudence. Their importance and extraordinary role regarding the deduction of laws, verdicts and principles lies with the fact that they once again made an exemplary exertion over the primary sources of law, selective books on Fiqh principles, analogy and consensus and came out with innovative tendencies and techniques of Islamic jurisprudence. These scholars particularly in the Abbasid period (750-1258 A.D) remained as an integral part of the administrative system, imparting knowledge, founding institutions and directly influencing the policies of state administration by providing sufficient ideological and legal material rooted in the Islamic fundamentals. The magnificent aspect of their contribution is that they believed that the nature of laws change with the change of time. In this way what the Muslim jurists thought and wrote for their own time is not an ultimate binding on the people
who came centuries after them. However their methods and modes of operating upon the primary sources have a vital role to play while deducing laws for present day society and social needs.

The Muslims jurists believed that Islam has always remained a continuous source of social morality. It solves the problems of social life and believes in human welfare which would be attained only by abiding that legal system which is entirely based on the concept of revelation and human reason and public good. To them, knowing a commandment is not an ultimate goal of legal knowledge but to understand its nature is more important which justifies its position of being lawful or unlawful. To act on laws, it becomes necessary to understand the reasons (‘Ilāt) lying behind them and to know that what purpose or general interests they serve.

Further more, the reputed centers of Islamic academic excellence were having great concern regarding social and religious sciences altogether. The academic institutions established in Central Asia during the Abbasid period (750-1258 A.D) were having inter-disciplinary and multi-disciplinary approach in teaching different courses of the study. In these prestigious centers, religious, social and natural sciences were studied with an equal consideration without separation of one from the other. The Abbasid caliph Mamun (833 A.D) is said to have paid special attention to look into the academic activities in the academic centers of his caliphate. Almost all the academic centers were having adjacent mosques and libraries to promote the practical knowledge of Islam. Every academic institution was having a director for the smooth functioning for academic and administrative affairs.
A special feature to note here is that, the scholars of various fields would always work in collaboration and no one would indulge in such activity which would result in defacement of the academic atmosphere.

The area under consideration in this study has not always submitted to the rule of what we call 'Uzbeks'. Rather remained under the influence and rule of the Arabs, Iranians and the Turks. It is worthy to note that Muslims during those days were less interested in the identity recognized by tribes and nationalities; rather they thought religion as the binding force and the source of inspiration which unites all sorts of identities and recognizes them as Ummah. The men of authority at that time were the pioneers of Islam who would enforce and protect the law of Islam (Shari'ah). Central Asia or Mawara al-Nahr has been ruled for centuries by people who were not distinguished for their tribal affiliations, who did not inherit their thrones from their forefathers, nothing brought them to this position except their submission to the Shari'ah and their interest in protecting its principles in the times of need.

The Academic environment and intellectual scenario of Central Asia or Transoxiania was disturbed by two deadly invasions one by Mongols during thirteenth century and other was the Russian annexation during nineteenth and twentieth centuries. The Russian occupation of Central Asian states was much destructive as compared to the Mongol invasion of 1220 A.D and 1258 A.D. The Mongols came, plundered cities, killed people and went back. The Russians on the other hand, captured this entire region and administered it according to
so called 'Secular' and 'Communist' laws which resulted in the defacement of over all past developments which were the result of Islamic era in this region.

After the disintegration of U.S.S.R and emergence of Uzbekistan as an independent state in 1991, it has sustained the hope for perseverence of Islamic heritage. In this regard the emergence of this newly born state is an unbelievable achievement. The reactivation and perseverence of Islamic heritage is very crucial as it has worked remarkably well to develop the religo-political structure which remained intact for centuries. Law has been successfully developed in this region and it would not be an exaggeration to characterize Islamic culture as legal culture. But this very system of law and legal expertise has turned out to be an obstacle in the face of modernization. As a result, the system that had served Muslims for centuries now stood in the way of change. We must realize this change and should approach by time considering aspect to resolve the socio-religious and political problems. Besides the sound agricultural base, Uzbekistan's economy is blessed with gold, minerals and substantial reserves of energy resources, but the question is, will this blessed tertiary would show once again the great concern for Islamic spirit which had made this region strong enough in academic and socio-political disciplines during medieval times. If this is obtained, Uzbekistan really would be an ultimate example for Muslim world to tackle the socio-religious and intellectual challenges of the modern times.