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## BASIS OF THE FORMATION OF ISLAMIC LAW

The article explores development of Islamic law over centuries, beginning with divine revelations in Quran and Sunnah, subsequently evolving through human reflection and interpretation. It outlines how early Muslim communities gradually received guidance, with legal rulings and practices introduced over time to address changing social and historical circumstances. The paper highlights that Quran and Sunnah serve as primary sources of Islamic law. Drawing on work of both international and local scholars, it employs a range of methodologies, including hermeneutic analysis and historical contextualization, to examine the evolution of legal practices. The research incorporates comparative analysis by investigating various schools of Islamic jurisprudence, such as Hanafi, Maliki, Shafi'i, and Hanbali schools, highlighting distinct ways in which each interpreted and applied these sources. By integrating diverse historical, cultural, and methodological perspectives, it demonstrates that Islamic law is not static but a dynamic tradition that has been continually refined. It offers a clear and accessible account of the formation of Islamic law and explains why its principles remain significant in both religious and secular contexts. The article fosters a deeper appreciation of the complexities inherent in Islamic legal tradition and its ongoing interplay between divine ordinance and human interpretation, offering valuable insights into its origins and contemporary relevance.

**Keywords:** Islam, Law, Shariat, Madhab, Fiqh

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## Ислам құқығының қалыптасу негіздері

Мақалада ислам құқығының ғасырлар бойы дамуына талдау жасалады. Ол Құран мен Сүннеттегі Құдайдан келген аяндардан басталып, кейін адамзаттың ой жүгіртуі мен түсіндіруі арқылы дамыды. Мақалада алғашқы мұсылман қауымдарының біртіндеп басшылық алғаны, уақыт өте келе әлеуметтік және тарихи жағдайлардың өзгеруіне байланысты құқықтық шешімдер мен тәжірибелер енгізілгені сипатталады. Зерттеуде Құран мен Сүннет – ислам құқығының негізгі қайнар көздері екені атап өтіледі. Отандық және шетелдік ғалымдардың еңбектеріне сүйене отырып, зерттеуде әртүрлі әдістемелерді, соның ішінде герменевтикалық талдау мен тарихи-салыстырмалы әдістерді қолдана отырып, құқықтық тәжірибелердің эволюциясын зерттейді. Ислам құқықтануының Ханафи, Мәлики, Шафиғи және Ханбали мектептері сияқты әртүрлі мектептерін салыстыра отырып талдайды және олардың әрқайсысының құқықтық қайнар көздерді өз алдына қалайша түсіндіріп, қолданғанын көрсетеді. Түрлі тарихи, мәдени және әдістемелік көзқарастарды біріктіре отырып, мақала ислам құқығының тұрақты емес, үнемі жетіліп отыратын динамикалық дәстүр екенін көрсетеді. Зерттеу ислам құқығының қалыптасуын айқын әрі түсінікті түрде сипаттап, оның қағидаларының діни және зайырлы контекстегі маңыздылығын түсіндіреді. Мақала ислам құқықтық дәстүрінің күрделілігін және Құдайлық бұйрық пен адамдық түсіндірменің өзара әрекеттесуін тереңірек түсіндіруімен тәжірибелік маңыздылыққа ие әрі оның шығу тегі мен қазіргі заманғы маңыздылығы туралы құнды түсініктер береді.

**Түйін сөздер:** ислам, құқық, шарифат, мәзһаб, фикһ

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## Основа формирования мусульманского права

Статья исследует развитие исламского права на протяжении веков, начиная с божественных откровений в Коране и Сунне, которые впоследствии эволюционировали благодаря челове-

ским размышлениям и интерпретациям. В ней описывается, как ранние мусульманские общины постепенно получали руководство, при этом правовые нормы и практики вводились со временем в ответ на изменяющиеся социальные и исторические обстоятельства. В работе подчеркивается, что Коран и Сунна являются основными источниками исламского права. Опираясь на труды как международных, так и местных ученых, исследование использует различные методологии, включая герменевтический анализ и исторический контекстуальный подход, для изучения эволюции правовых практик. В исследование включен сравнительный анализ различных школ исламской юриспруденции, таких как ханафитская, маликитская, шафиитская и ханбалитская школы, при этом акцентируется внимание на их уникальных подходах к толкованию и применению этих источников. Объединяя разнообразные исторические, культурные и методологические перспективы, статья демонстрирует, что исламское право не является статичным, а представляет собой динамическую традицию, которая постоянно совершенствуется. Исследование предлагает четкий и доступный обзор формирования исламского права и объясняет, почему его принципы остаются значимыми как в религиозном, так и в светском контексте. Статья способствует более глубокому пониманию сложной природы исламской правовой традиции и постоянного взаимодействия между божественным установлением и человеческой интерпретацией, предоставляя ценные сведения о ее происхождении и современном значении.

**Ключевые слова:** ислам, право, шариат, мазхаб, фикх

## Introduction

The formation of Islamic law is rooted in a combination of divine revelation and scholarly interpretation, evolving through historical contexts and legal schools. Central to this process are the Qur'an and the Sunnah, which serve as primary sources, while secondary sources like *ijma'* (consensus) and *qiyas* (analogy) support legal reasoning (Coulson, 2017: 2). Islamic law, or Sharia, is derived primarily from the Qur'an and the Hadith – recorded sayings and actions of the Prophet. This legal system encompasses both public and private spheres, influencing family law, criminal justice, and financial transactions. Through its verses, the Qur'an addresses issues such as justice, equity, and social responsibility, thus framing a community's moral compass (Benkheira, 2018: 5). The practices and sayings of the Prophet Muhammad, known as Hadith, serve as a crucial reference for understanding and applying the principles outlined in the Qur'an. These teachings illustrate how to embody the divine guidance in daily life, emphasizing compassion, justice, and integrity. For instance, the Prophet's manner of treating others, regardless of their social status, exemplifies the overarching Quranic principle of equality and respect for all humanity (Beka, 2022: 2).

Al-fiqh, or Islamic fiqh, is a profound discipline that explores the intricate relationship between a Muslim, their Creator, and society. It extends beyond the mere analysis of legal texts; it encapsulates a holistic understanding of morality, ethics, and the guidelines laid out in the Qur'an and Sunnah. Through al-fiqh, Muslims engage with their faith

in a manner that fosters personal spirituality while also acknowledging their responsibilities within a communal context. (Bahri, 2019: 690). The foundations of fiqh were laid during the time of the Prophet Muhammad, where initial legal principles were established through his teachings and practices. Following the Prophet's death, the companions and the *Tabi'in* (successors) played a crucial role in interpreting these principles, leading to the first schools of thought (Maftuhin, 2016: 369). As Islamic law evolved, it began to reflect a complex interplay of tradition and innovation, influenced by various socio-political contexts that shaped its application. This dynamic nature allowed for the integration of local customs and legal practices, leading to diverse interpretations across different regions and periods. For instance, during the late antique and medieval eras, Muslim jurists actively engaged with Middle Eastern legal traditions, adapting them to suit emerging societal needs. Such interactions not only enriched the legal landscape but also underscored the adaptability of Islamic law in response to changing circumstances, challenging the notion of a static legal framework and highlighting the ongoing relevance of historical context in contemporary discussions on Islamic fiqh (Ikromi, 2017: 50). However, in its early historical context, Islamic law lacked the independent, fully articulated legal structure that we acknowledge in contemporary times. This legal framework has experienced ongoing transformation throughout the centuries. To comprehend the foundational principles that underlie the formation of Islamic law, it is essential to examine its historical eras, the core elements that Muslim jurists utilized

during those periods, and the evidentiary sources that each of the four distinguished legal schools, known as «madhhabs», accepted as the foundation for their respective interpretations.

### **Justification for the choice of topic, goal and task**

Although the foundation of Islamic fiqh is derived from the Quran and Sunnah, following the demise of prophet Muhammad, numerous issues arose that were not explicitly addressed within these two primary sources. Each source of evidence has its own temporal context and developmental stage, including the emergence of a particular issue, the absence of relevant evidence to resolve it from the established foundations, and the necessity to depend on additional evidence as a consequence. To grasp the underpinnings of the development of Islamic law, it is crucial to comprehend the phases of its historical evolution, the significance of the foundations upon which Accordingly, the subsequent tasks are proposed to achieve the objectives of the scholarly article:

- Analyze the origins and ramifications associated with the establishment of the principles of Muslim law;
- Outline the key phases in the evolution of the principles of Muslim law;
- Distinguish between the primary and supplementary arguments underpinning the principles of Muslim law;
- Specify the foundational elements that inform the four schools of Muslim law and elucidate the distinctions among them.

### **Scientific research materials and methodology**

The article draws upon the scholarly contributions of both international and local researchers in Arabic and Kazakh concerning the historical evolution of Islamic law. The paper employs a variety of research methodologies to explore the historical evolution of Islamic law. The hermeneutic analysis involves interpreting texts and traditions to understand their meanings and implications within the context of Islamic law. The article compares different legal frameworks and interpretations within Islamic law, as well as between Islamic law and other legal systems. The historical perspective is crucial in understanding how Islamic law has developed over the centuries. The paper investigates the historical context in which Islamic legal principles

were established and how they have changed. It also emphasizes the importance of cultural and historical contexts in shaping Islamic law. This approach acknowledges that legal principles do not exist in a vacuum but are influenced by the societies in which they are applied. The research highlights the necessity of closely examining the foundational texts of Islamic law, including the Quran and Sunnah, as well as the interpretations provided by scholars throughout history. All mentioned methodologies collectively contribute to a comprehensive understanding of Islamic law's development and its application in contemporary contexts. Studies conducted by international and local academics underscore the necessity of scrutinizing the texts and traditions that have shaped the evolution of Islamic fiqh.

### **Results and discussion**

Islamic law constitutes a comprehensive framework of rulings that were divinely revealed to the Prophet Muhammad. Within the Muslim community, this framework is referred to as «fiqh» Etymologically, the term «fiqh» signifies «understanding» and «knowledge» Fairuzabadi elaborated on this term by defining it as: «To know something and understand it» (Koçak, 2021: 84). There exists a verse in the Quran articulated as a supplication: «Untie the knot of my tongue. That they may understand my speech!». (Halifa Altai, 2000: 27-28) Imam Qurtubi elucidated this verse in his exegesis, asserting: «That they may comprehend and grasp what I convey» (Goudarzi, 2019: 268). From an Arabic linguistic standpoint, there is no distinction between comprehending the explicit, overt, or concealed meanings, as both are encompassed within the concept of «fiqh». Notably, Abu Ishaq Maruzi diverged from this view, positing that fiqh pertains exclusively to understanding the concealed meaning, rather than the explicit, overt interpretation. In the formative periods of Islamic history, the term «fiqh» encompassed not only Islamic law but also the broader domain of religious sciences. During that era, the Quran, hadith, aqeedah, fiqh, and akhlaq were collectively regarded as aspects of fiqh. This understanding reflected the hadith of the Prophet Muhammad: «May Allah brighten a man who hears a tradition from us, gets it by heart and passes it on to others. Many a bearer of knowledge conveys it to one who is more versed than he is; and many a bearer of knowledge is not versed in it» (Halifa Altai, 2000: 24). In the previously mentioned hadith, the term «fiqh» is utilized to denote a broader un-

derstanding. This is the rationale behind Imam Abu Hanifa referring to his seminal work on belief as «Al-fiqh al-akbar».

The terminology «fiqh» and «shari'ah» within the context of Islamic law do not convey identical meanings. While both terms pertain to practical conduct, there exists a distinct difference between the two. Shari'ah is divinely revealed by Allah Al-mighty, whereas fiqh represents human comprehension of the revealed Shari'ah. When interpreted correctly, it aligns with the Shari'ah; however, if misinterpreted, it diverges from the Shari'ah, yet remains within the framework of fiqh. Consequently, when a mujtahid renders an accurate ruling, fiqh and Shari'ah are in harmony; conversely, if an erroneous ruling is made, fiqh and Shari'ah become dissociated. Shari'ah is characterized by the inclusion of not only practical actions but also matters related to faith, ethics, and historical narratives of prior nations.

Only in subsequent centuries did the term «fiqh» differentiate itself from other Islamic disciplines and come to denote the comprehension of Islamic fiqh. Following the foundational period, the discipline of fiqh was acknowledged as a distinct field of study that extracts practical legal rulings from Sharia evidence through methodologies such as «ash-shumul» (comprehensive) and «al-ghumum» (in-depth) or through thorough investigative research (Hadi, Masrukhin, Masruri, Burdah, 2023: 113). Since its initial compilation, Islamic fiqh has been categorized into two principal divisions: acts of worship (the duties of individuals towards their Creator) and interpersonal relationships. The worship division encompasses the following subjects: types of water, menstruation, post-natal bleeding, ritual purification (ablution), dry ablution (tayammum), prayer, funerary rites, fasting, sacrificial rites, spiritual retreat (i'tikaf), almsgiving (zakat), and pilgrimage. The interpersonal relations division comprises the following subjects: marriage (az-zaw'aj), divorce (talaq), criminal penalties (al-ququbat), commercial transactions, debt obligations, agency, and inheritance.

Imam Ibn Ghabidin, a distinguished figure among the imams of the Hanafi school, categorized fiqh into three primary domains: worship, acts of worship, and criminal penalties. He further delineated worship into five distinct components: cleanliness, prayer, fasting, zakat, and pilgrimage. Additionally, he segmented acts of worship into five categories: al-muqadda al-maliya (worldly transfers), az-zawaj (marriage), daw-damay, amanat, and at-tariqat (the distribution of the worldly estate left

by a deceased individual). In a similar manner, he classified criminal penalties into categories known as al-qasas, the penalty for theft, the penalty for adultery, the penalty for defamation, and the penalty for apostasy (Mackie, 2023: 149).

Representatives of the Shafi'i school of fiqh categorized Islamic law into four distinct segments. These include: Sharia provisions pertaining to the afterlife, primarily associated with acts of worship. Additionally, there are those concerning an individual's temporal existence, known as mu'amalat. Another category addresses the safeguarding of progeny, which pertains to matrimonial laws. Lastly, those regulations governing societal interactions, which encompass criminal penalties (Al-Thanawi, 1996: 32).

Islamic fiqh underwent multiple phases prior to achieving its current structured form. Its inception can be traced back to the era of the Prophet Muhammad. At that time, and subsequently after the Prophet's passing, his Companions extracted legal rulings from the Quranic verses and hadiths, rendering their judgments accordingly. The Companions bequeathed a significant intellectual legacy in the domain of law, encompassing their ijihad, perspectives, and fatwas. This substantial heritage was subsequently continued by the Tabi'in, At-Baqi', and later scholars. Consequently, Islamic law has evolved to the contemporary period. The discipline of Islamic law is comprised of the following stages:

First: Islamic law in the era of the Prophet;

Second: era of the sahabas;

Third: era of the tabigins;

Fourth: compilation of Muslim law and era of the mujtahid imams.

We shall now analyze the condition and evolution of Islamic fiqh during each of these distinct periods separately.

First: Islamic law in the era of the Prophet. This era encompasses the timeframe from the initial revelation to the Prophet Muhammad, occurring thirteen years prior to the Hijra, until the Prophet's demise, which transpired eleven years subsequent to the Hijra. Throughout this duration, the essential Sharia mandates pertinent to every Muslim, their families, and the broader Muslim community were disclosed. The Prophetic era is divided into two distinct phases: the Meccan and Medinan periods.

1. Meccan era. During this era, there was a paucity of Sharia rulings. This was attributed to the fact that Muslims were engaged in opposition against Meccan Islam at that particular time. The Quranic verses revealed during this period largely focused on



matters of faith, which constitute the foundation of religion, as well as the promotion of virtuous character. Sharia rulings pertaining to practices such as prayer and zakat were not elucidated with the same level of detail as observed in the Medinan period.

2. Medinan era. Following the migration of Muslims to Medina, a cohesive Muslim community was formed in that region. Subsequently, there arose a necessity for a legal framework to govern interpersonal relations. During this period, alongside verses pertaining to faith, practical legal provisions were also disclosed. These provisions encompassed not only acts of worship such as prayer, fasting, almsgiving, and pilgrimage, but also interpersonal dealings including commerce and usury, as well as criminal matters such as theft and robbery, penalties for homicide, and adultery. Furthermore, legal guidelines were established concerning familial matters such as marriage, divorce, inheritance, and the conduct of Muslims towards adversaries in contexts of warfare and spoils of war. The Prophet elucidated these legal provisions to his companions and addressed pertinent inquiries. When the appropriate circumstances presented themselves, he would demonstrate through practical examples how to apply those legal rulings.

The entirety of Sharia rulings was not disclosed simultaneously. Instead, they were introduced progressively, in a sequential manner. This concept is referred to by Islamic scholars as “*tadarruj*” within the framework of Sharia. *Tadarruj* encompasses two interpretations.

A) *Tadarruk* concerning overall shariat rulings. The Sharia rulings were disclosed progressively to facilitate the assimilation and acceptance by the Muslim community. For instance, one year prior to the Hijra, the obligation of prayer was instituted during the night of Isra, and in the inaugural year of the Hijra, the directives concerning the call to prayer and marriage were codified. In the second year of the Hijra, regulations pertaining to fasting, the two Eid prayers, zakat, the alteration of the Qibla direction, and the permissibility of war spoils were promulgated. In the third year of the Hijra, the principles governing inheritance and divorce were clarified, and in the fourth year of the Hijra, directives such as the reduction of prayer during travel and the performance of prayer in times of fear were elucidated. Subsequently, in this sequence, the penalties for adultery were instituted, along with the ruling on tayammum, the prohibition of alcohol, and the mandate of Hajj.

B) Any ruling is supplemented gradually. Nu-

merous Sharia rulings were not initially disclosed in the format they are presently executed. For instance, zakat was mandated during the Meccan period. Nevertheless, the specific amount and the manner in which it was distributed were not predetermined. Subsequently, during the Medinan period, its precise structure was established, including the amount of nisab and the stipulation that it should be given annually. In a similar vein, prayer was not revealed in its entirety at once. Over time, the directives concerning the alteration of the Qiblah and the call to prayer were introduced through a series of revelations. The practice of fasting follows the same pattern. Upon his arrival in Medina, the Prophet Muhammad observed fasting for three days each month, as well as on the day of Ashura. Eventually, a verse was revealed indicating that fasting is mandatory in the month of Ramadan.

Second: era of the Sahabas. The Prophet Muhammad said: «Do not stray from my Sunnah and the Sunnah of the rightly guided Caliphs» (Al-Tirmidhi, 1996: 408).

The caliphate following the Prophet Muhammad extended for a duration of thirty years. This era was characterized by the leadership of the companions Abu Bakr, Omar, Osman, and Ali. During this time, the companions, well-versed in the principles of Sharia, functioned as a council of consultation. They addressed every case and rendered decisions in strict adherence to the Sharia. Throughout this period, the Quran was meticulously compiled and transcribed into written volumes. In all matters, their guidance was primarily derived from the Quran and the Sunnah of the Prophet. In instances where evidence from these two sources was unavailable, they resorted to *ijtihad*. In the hadith, the Prophet Muhammad appointed a companion named Mu’adh ibn Jabal as judge in Yemen and inquired, «What is basis of your ruling?» He responded, «By the Book of Allah» The Prophet further questioned, «What if you do not find it therein?» He replied, “Then I will adjudicate by the Sunnah of the Messenger of Allah». The Prophet then asked, «And if you do not find it in that either?» Mu’adh stated, «Then I will employ my own reasoning» The Prophet, peace and blessings be upon him, then patted his chest and proclaimed, «Praise be to Allah who has guided the messenger of His messenger to that which is pleasing to Allah and His messenger!». (Al-Bukhari, A.A. 1998: 735)

From this, it can be deduced that the foundational principle of Sharia during that period was *ijtihad*, in conjunction with the Quran and Sunnah. This principle was also referred to as «*ar-rai*». Upon

further examination of this evidential basis, one finds that arguments known as *qiyas*, *istihsan*, and *istislah*, which were subsequently acknowledged as distinct sources of evidence, were utilized within its framework. In essence, all of these were collectively termed «ar-rai» at that time. Below are illustrative examples of their *ijtihad*:

1. Following the passing of the Prophet Muhammad, there was a divergence of opinion regarding the leadership of the Muslim community. Ultimately, they reached a consensus on the caliphate of Abu Bakr;

2. Abu Bakr and Umar ibn al-Khattab reached a consensus to consolidate the Quran into a singular volume in response to the diminishing number of individuals proficient in its memorization.

3. Abu Bakr and several of his associates held divergent views concerning the engagement of those who declined to remit *zakat*. Abu Bakr equated the individuals who resisted paying *zakat* to those who neglected their prayers, established a parallel, and issued a directive for confrontation;

4. Umar ibn al-Khattab observed that Muslims were conducting *Tarawih* prayer individually throughout Ramadan, thus he assembled them under leadership of an imam to facilitate prayer;

5. Uthman ibn Affan mandated the incineration of alternative Quranic manuscripts, preserving a singular copy of the Quran to prevent potential discord among the populace;

Third: era of the *tabigins*. While the Companions absorbed knowledge from the Prophet Muhammad and utilized their insights and experiences to navigate challenges, the *Tabi'een* were influenced by the lessons they received from the Companions. This period commenced with Hasan ibn Ali's voluntary transfer of authority to Mu'awiyah ibn Abu Sufyan and ended with the fall of the Umayyad dynasty.

Once the Islamic realm unified into a single state, traveling between cities became effortless. There were no barriers or borders to hinder movement. Thus, those in pursuit of knowledge would journey from one nation to another, engaging with the Companions and learning from them. Notably, one *Tabi'in* scholar, Hasan Basri, encountered five hundred Companions. It is also important to highlight that during Uthman ibn al-Affan's caliphate, numerous Companions relocated to different regions. Umar ibn al-Khattab, along with his son Abdullah ibn Umar and Zayd ibn Thabit, continued to reside in Medina. Abu Musa al-Ash'ari settled in Basra, Mughaiz ibn Jabal and Mugawiyah ibn Abu Sufyan were in Sham, Amr ibn al-As was in Egypt, and Ibn Ab-

bas was in Mecca (Simonsohn, 2018: 467).

Consequently, as a result of the endeavors of the Companions and the scholars who succeeded them, various legal schools came into existence. Of these institutions, three are particularly renowned.

1. Mecca school of *fiqh*. The Meccan school's founder was Abdullah ibn Abbas. In his academic circle, he would elucidate the Quran and Hadith to the *Tabi'een*, unveiling their profound meanings. The Meccan school of law produced notable scholars such as Mujahid (103 AH), Ata ibn Abi Rabbah (114 AH), Ikrimah (105 AH), Abu Shagha Jabir ibn Zaid (93 AH), Sa'id ibn Jubayr (94 AH), along with many other distinguished scholars who left their imprint in various fields of knowledge.

2. Medina school of *fiqh*. This institution was established by several renowned figures in the field of *tafsir*, including Omar, Ali, Zaid ibn Thabit, Ibn Omar, and Ubayy ibn Ka'b. This institution produced notable scholars such as Zaid ibn Aslam (136 AH), Abu al-Ghaliya ar-Riahi (90 AH), Muhammad ibn Ka'b al-Kurzi (108 AH), Sa'id ibn al-Musayyib (94 AH), Ghato ibn Yasir (97 AH), among others.

3. Kufa School of *fiqh*. In Kufa, there were notable companions including Abdullah ibn Mas'ood, Sa'd ibn Abu Waqqas, Ghammar ibn Yasir, and Huzaifa ibn Yaman. Consequently, the Kufa school gained renown for cultivating numerous natural scientists. Prominent figures such as Galkama ibn Qays (61 AD), Masrugh ibn Ajdag (63 AD), Al-Aswad ibn Yazid An-Nahaghi (64 AD), Murrat al-Hamzani (75 AD), Ghamir Ash-Shagbi (105 AD), Al-Hasan al-Basri (110 AD), and Qatada ibn Dighama As-Sadusi (117 AD) emerged as distinguished scholars.

In addition to the three schools previously mentioned, there existed several others. For instance: Raja ibn Haywatu (112 AH) from the Madrasa of Sham, Yazid ibn Abu Habib (128 AH) from the Madrasa of Egypt, and Wahb ibn Munabbih (114 AH) from the Madrasa of Yemen.

Within Islam, the era of the Prophet Muhammad, the subsequent period of the Companions, and the age of the *Tabi'een* that followed them are regarded as the most illustrious centuries. The hadith describes these three epochs as following: «The best people are those of my generation, and then those who will come after them (the next generation), and then those who will come after them» (Al-Bukhari, 2006: 923).

Fourth: compilation of Muslim law and era of the *mujtahid* imams. This period commenced with the emergence of the Abbasid dynasty and persisted until the midpoint of the fourth century AH. To ar-

rive at an accurate judgment concerning legal issues, it is essential to base decisions on sound principles. This period is recognized for the compilation of the second foundation of Sharia, known as the Sunnah. During that era, hadiths existed in multiple narrations. Scholars were required to embark on extensive journeys and traverse various countries to gather these hadiths and engage with other scholars dedicated to their narration. Consequently, the Sunnah of the Prophet was systematically compiled. The consolidation of the Prophet's Sunnah played a significant role in advancing *jarh* and *tadhiil*, the terminology of hadith, along with several other Islamic disciplines. These fields of study were crucial at that time for differentiating between authentic, inauthentic, and weak hadiths, as well as for establishing the integrity of the narrators.

In order to reach a conclusion regarding the legal issues, Mujahid scientists have relied on the subsequent evidence:

1. Quran. The term Quran, in a linguistic sense, is derived from «al-qira-a», which translates to «to read». It serves as the primary foundation of Sharia law. Experts in the principles of Islamic law have characterized the Quran in this way: «The Quran is the divine word of Allah Almighty, disclosed to the Messenger of Allah in the Arabic language, the shortest surah of which is deemed a miracle, documented in a manuscript, transmitted through mutawatir, and its recitation constitutes an act of worship, commencing with Surah 'Fatiha' and concluding with Surah Nas» (Al-Amidi, A. ibn M., 2003: 82).

2. Sunnah. Linguistically sunnah means a path, but in Islamic law it covers words and actions of the Prophet Muhammad (Al-Zuhayli, 2005: 432). In the Holy Quran Allah says: «The only response of the believers, when they are called to Allah and His Messenger so he may judge between them, is to say, «We hear and obey». It is they who will succeed. For whoever obeys Allah and His Messenger, and fears Allah and is mindful of Him, then it is they who will triumph. The Messenger's duty is only to deliver the message' clearly» (Halifa Altai, 2000: 24-54). And in another verse He says: «Nor does he speak of his own whims. It is only a revelation sent down to him» (Halifa Altai, 2000: 53).

Thus, Islamic scholars have reached a consensus that adhering to the Sunnah alongside the Quran is essential when issuing rulings, making it the second primary source of evidence for Sharia. This is supported by abundant evidence drawn from the Quran, scholarly consensus, and rational thought reason (Abdulaziz, 1998: 690).

From a chronological viewpoint, the Sunnah is classified into two types: mutawatir (transmitted through multiple channels) and ahad (transmitted through a single channel). The scholars of the Hanafi school categorized it into mutawatir, mashhur (recognized, widely known), and ahad (Hasanuddin, 2022: 2).

Mutawatir sunnah refers to the teachings of Prophet Muhammad that were transmitted during the first three centuries, where it would be impossible for the sheer number of individuals who conveyed it to unite and fabricate a falsehood. For instance, this can be exemplified by actions related to religious practices such as ablution, prayer, fasting, pilgrimage, zakat, adhan, iqama, and so forth. The Mutawatir Sunnah is acknowledged as definitive proof in Islamic fiqh, thus necessitating unwavering belief; a person who rejects it essentially departs from the Islamic faith.

Mashhoor denotes a Sunnah that was conveyed by one or two companions of the Prophet Muhammad, which did not attain the level of mutawatir, yet became so prevalent that it would have been impossible for the narrators to collectively fabricate falsehoods after the companions. The distinction between these two categories of Sunnah lies in the fact that the mutawatir Sunnah had a sufficient number of narrators sustaining it for three centuries, while the Mashhoor Sunnah did not achieve mutawatir status among the early Companions, but did so in the subsequent Tabi'in and At-Bagu'in eras. The Mashhoor Sunnah is certainly acknowledged to have been passed down from the Companions, yet it lacks definitive confirmation of transmission from the Prophet himself.

Ahad refers to a Sunnah that was conveyed from the Prophet Muhammad in a singular manner, with the narrators not attaining the status of mutawatir. Numerous hadiths were conveyed in this ahad format. It is regarded as a theoretical evidence rather than a matter of belief. It is not adhered to in issues of faith. However, it is observed in legal matters under specific conditions.

3. Ijma. The term «ijma» linguistically means «consensus on a matter». It signifies the collective agreement of mujtahid scholars within the community of the Prophet Muhammad on a shared perspective concerning a Sharia ruling, which took place in one of the centuries following his passing. Ijma requires a unanimous agreement on a specific issue, and it must be recognized by mujtahids who meet the criteria of being deemed qualified to issue a Sharia ruling. Furthermore, there needs to be a col-

lective agreement on the issue among all mujtahids. The consensus that includes only a majority of mujtahids does not constitute *ijma'*. The agreement of solely the inhabitants of Medina is insufficient for *ijma'*. Likewise, the consensus that includes only the mujtahids from Mecca, the agreement of only the Egyptians, the consensus of just Abu Bakr and Umar, the agreement of merely the four caliphs, or the consensus of individual scholars from the Ahl al-Bayt, such as Fatima, Hassan, and Hussein, does not qualify as *ijma'* (Yaman, 2019: 46).

4. *Qiyas*. The term «*qiyas*» in linguistic terms refers to «assessing the value of one item by drawing a comparison with another». Scholars of Islamic law have described it as: «Assessing the ruling on an issue for which the Sharia ruling is absent from the texts of the Quran and Sunnah, due to the similarity in nature of the two matters, utilizing the case presented in the texts of the Quran and Sunnah» (Al-Zuhayli, 2005: 572).

These four are regarded as the primary sources of evidence in Islamic law. Concerning these four sources Islamic scholars refer to Quran verse: «O believers! Obey Allah and obey the Messenger and those in authority among you. Should you disagree on anything, then refer it to Allah and His Messenger, if you 'truly' believe in Allah and the Last Day. This is the best and fairest resolution» (Halifa Altai, 2007: 59). The esteemed Islamic scholar Wahba az-Zuhaili interprets this verse in the following manner: «Following the commands of Allah and the Messenger means adhering to the Quran and Sunnah. Compliance with those in positions of authority entails embracing the consensus of the mujtahid scholars regarding issues of knowledge and Sharia. Furthermore, directing a contentious issue to Allah and His Messenger indicates necessity of employing analogy in situations not explicitly addressed by Sharia texts or consensus» (Abu Dawood, 1998: 78).

Mujtahid scholars possessed varying levels of knowledge and comprehension regarding the Sunnah of the Prophet. This disparity influenced their differing opinions on the fundamental aspects of law. Their disagreements concerning the «*usul*» (foundational issues) also played a role in shaping their diverse perspectives on the «*furugh*» (branches of *fiqh*). Consequently, this era is recognized for pivotal events in Islamic history as formation of the Islamic schools of *fiqh*. The term «*madhhab*» means «path». There are four enduring schools of thought that continue to exist today. These are the Hanafi, Maliki, Shafi'i, and Hanbali schools. The imams associated with these four schools of thought are as

follows:

Imam Abu Hanifa Nugman ibn Thabit (80-150 hijri). Imam Abu Hanifa is often referred to by the title «Imam Al-Azzam». He lived during the periods of the Umayyad and Abbasid empires. Imam At-Bagu is regarded as a representative of the Tabi'in. There is also a viewpoint suggesting that he was among the Tabi'in. Reports indicate that he had encounters with Anas ibn Malik and several other companions. Imam Abu Hanifa's impact on the organization of Islamic law is immense. Imam Shafi'i remarked: «The contributions of Imam Abu Hanifa in *fiqh* are invaluable». He pursued private studies under Hammad ibn Abu Sulayman for a span of eighteen years. Hammad himself was a disciple of Ibrahim Naha'i. He authored a work in the field of Kalam titled «*Fiqh al-Akbar*». Additionally, he compiled a Musnad in Hadith. Nevertheless, he did not produce a book specifically focused on the study of *fiqh*. His expertise in *fiqh* was transmitted through his students. The Hanafi school of thought, established by Imam Abu Hanifa, is based on the following Shariah sources: the Quran, Sunnah, *Ijma'*, *Qiyas*, *Istihsan*, and Tradition.

Imam Malik ibn Anas (93-179 hijri). Imam of the Maliki school of thought. Similar to Imam Abu Hanifa, he existed during the Umayyad and Abbasid dynasties. He acquired his education from scholars in Medina, including Abdurrahman ibn Harmaz, Nafiq, and Rabi'ah ibn Gabdurrahman. The Maliki school of thought established by Imam Malik was grounded in sources such as the Quran, Sunnah, the customs of the people of Medina, the statements of the companions, *al-masalihu mursala*, *qiyas*, and *as-saddu az-zarai*. Imam Malik's book «*Al-Mu'atta*» is a highly valuable work in the fields of *fiqh* and hadith.

Muhammad ibn Idris Shafiqi (150-204 hijri). The Imam of the Shafi'i school, Abu Abdullah Muhammad ibn Idris al-Shafi'i, was born in Palestine and passed away in Egypt. He was a descendant of the Prophet Muhammad by lineage. Following his father's death in Gaza during his childhood, his mother relocated him to Mecca, where he became proficient in Arabic language and literature from a young age and studied under the Mufti of Mecca, Muslim ibn Khalid al-Zinji. The Mufti permitted Imam Shafi'i to issue fatwas when he was just fifteen years old. Subsequently, he journeyed to Medina, where he learned from Imam Malik ibn Anas, studied the book «*Al-Mu'atta*», and memorized it within nine nights. He also transmitted hadiths from Sufyan ibn Ghuyayna, Fudayl ibn Ghiyad, and Muhammad ibn Shafi'i. He While in Baghdad, he au-



thored a work representing his earlier stance, titled «Al-Hujjah». In 187 AH, he encountered Imam Ahmad in Mecca. The two scholars reunited in Baghdad in 195 AH. From Imam Ahmad, he absorbed knowledge of fiqh, methodologies, and the concepts of abrogation in the Quran. He wrote the seminal work «Ar-Risala» on the principles of fiqh and the comprehensive work «Al-Umm» on the new jurisprudential school. The Shafi'i school was founded on sources of evidence such as the Quran, Sunnah, ijma', the statements of the companions, and qiyas.

Ahmad ibn Hanbal al-Shaibani (164-241 hijri). Imam Abu Abdullah Ahmad ibn Hilal ibn Asad az-Zuhli al-Shaybani was born in Baghdad, where he also passed away. He received education under Imam Shafi'i and subsequently achieved the esteemed position of a mujtahid, engaging in ijtihad himself. His teachers numbered over one hundred. He was esteemed as the leading imam among hadith scholars during his era. Imam Harbi remarked: «I encountered Imam Ahmad. It seemed as though Allah Almighty had bestowed upon him the knowledge of all those who came before and those yet to come». When Imam Shafi'i transitioned from Baghdad to Egypt, he stated: «Upon leaving Baghdad, I was unaware of anyone more virtuous and knowledgeable than Imam Ahmad».

The foundation of his philosophical approach closely resembles that of Imam Shafi'i. This is because he was educated under Imam Shafi'i. Consequently, he adheres to the Quran, Sunnah, the teachings of the companions, ijma', qiyas, istishab, al-masalihi al-mursala, and az-zarai' in regards to the principles of law. Imam Ahmad did not compose a distinct treatise on fiqh. However, in the realm of hadith, he produced a work titled «al-Musnad». The adherents of his school derived their understanding from his sayings, actions, and responses. In addition to the followers of these four schools of thought, there existed other schools within the Ahl al-Sunnah. However, due to their limited number of adherents and various other factors, these schools did not gain recognition. Eventually, ijtihad (personal interpretation of Sharia) was deemed impermissible. This period is also referred to as the time of «taqlid» (imitation).

## Conclusion

While Muslim law is currently recognized as one of the principal legal traditions globally, it has evolved over extensive periods of development spanning several centuries, including the era of the

Prophet, the era of the Companions, the era of the Tabi'in, and the era of the compilation of Muslim law. Throughout these eras, alongside the Quran, Sunnah, Ijma', and Qiyas, various foundational concepts of Muslim law emerged, such as istihsan, custom, masalihi mursala, the teachings of the Companions, shargu man khalibana, saddu az-zarai', and istishab. As a result, Muslim law has evolved into a comprehensive legal system that encompasses not only the spiritual relationship between the Creator and humanity but also the duties and prohibitions that govern interactions among individuals, between individuals and society, as well as matters of crime and punishment.

In this article, we aimed to explore the evolution of Islamic law during its formative period and the key influences that shaped it. We concentrated on the four pivotal eras that played a crucial role in the establishment of Islamic law and elaborated on its progression within those contexts. We examined the sources of Sharia evidence utilized by Muslim scholars when making legal judgments and provided thorough explanations. The imams from the four primary Muslim legal schools that proliferated throughout the Islamic world, along with the sources of evidence they adhered to and the distinctions among the schools, were highlighted.

1. Since fiqh aligns with legal standards alongside religious significance, it is justifiable to refer to it as Islamic law.

2. Muslim fiqh is composed of fundamental and supplementary evidence. The Quran, Sunnah, ijma, and qiyas are universally acknowledged by Islamic scholars as foundational legal principles. Nonetheless, there exists a divergence of opinion among scholars of different madhhabs concerning the applicability of such principles as istihsan, custom, al-masalihi al-mursala, the sayings of the companions, shargu man khalibana, saddu az-zarai', and istishab.

3. The recognition by Muslim scholars of a specific legal foundation as valid evidence has resulted in their varying perspectives on the matter of legal judgments.

In summary, exploring the history of Islamic law's development is crucial not only for grasping the legal structures that shape Muslim societies but also for valuing the socio-cultural and historical backgrounds from which these laws originated. Through the analysis of Islamic fiqh's progression, researchers can uncover the intricate relationship between religious scriptures, historical occurrences, and societal demands. This investigation not only enhances our understanding of Islamic law itself

but also promotes a more profound appreciation of its influence on modern legal systems and social conventions within the Muslim community. Consequently, the historical examination of Islamic law continues to be an essential field of study that holds considerable significance for both academics and practitioners alike.

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