

DEVELOPMENT AND SPECIFIC FEATURES OF SIYAR SCIENCE

“СИЯР” ИЛМИНИНГ РИВОЖЛАНИШИ ВА ЎЗИГА ХОС ХУСУСИЯТЛАРИ

РАЗВИТИЕ И ОСОБЕННОСТИ НАУКИ СИЯР

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Abstract: The international community did not immediately reach the current level of regulation of international relations. This process is the result of international legal practical experience accumulated from the distant past to the present. Islamic law also plays a special role in this process.

The article provides information on the formation and development of the “Siyar” branch of Islamic law, which is the science of regulating international relations in Islam.

Siyar first described the life of the Prophet Muhammad (peace and blessings of Allah be upon him). In addition, Siyar is the science of rules arranging the relations of Muslims with members of other religions in times of war and peace.

In particular, we studied the rules of jurisprudence on the treaties of war and peace between Muslims and non-Muslims, the humanitarian principles to be followed in waging war, the procedure for sending ambassadors to other countries, the rights and obligations of representatives of different religions living in Muslim lands through Siyar science.

The development of Siyar science was a necessity of the time. As a result of the expansion of the Arab Caliphate, there was a need to establish relations with members of different religions and nationalities. It led scholars to write works on Siyar. In particular, faqihs such as Imam Abu Hanifa, Imam Shabi, Imam Muhammad, Awzai, Sawri, and Fazari wrote books on this subject.

Specialists who have studied the science of Siyar also show its peculiarities in their works. In particular, they expressed that international relations in Islam depended on moral principles.

Keywords: Siyar, international Islamic law, international relations, Sunnah, Fiqh, territory, madhab, creed, morality, agreement

Аннотация: Жаҳон ҳамжамияти халқаро муносабатларни тартибга солишнинг бугунги

даражасига бирданига эришган эмас. Ушбу жараён узоқ ўтмишдан ҳозирги кунгача тўпланган халқаро ҳуқуқий амалий тажрибанинг маҳсулидир. Бу жараёнда ислом ҳуқуқи ҳам алоҳида ўрин тутди.

Мақолада исломда халқаро муносабатларни тартибга солиш илми бўлган “сияр” тармоғининг шаклланиши ва ривожланиши ҳамда ўзига хос хусусиятлари ҳақида маълумот берилган.

Сияр тармоғи дастлаб Мухаммад алайҳиссаломнинг ҳаёт йўлини баён қилган. Бундан ташқари, “сияр” уруш ва тинчлик ҳолатларида мусулмонларнинг ўзга дин вакиллари билан олиб борадиган муносабатларини тартибга солишчи қоидалар илми ҳисобланади.

Хусусан, мусулмонлар ва ғайридинлар ўртасида тузилган уруш ва тинчлик шартномалари, уруш олиб боришда амал қилиш керак бўлган инсонпарварлик тамойиллари, ўзга давлатларга элчилар юбориш тартиби, мусулмонлар диёрида яшовчи ўзга дин вакиллари ҳуқуқ ва мажбуриятларига доир фикҳий қоидалар сияр илми орқали ўрганилган.

“Сияр” илмининг ривожланиши давр тақозоси ҳисобаланди. Чунки араб халифалигининг кенгайиши натижасида турли дин ва миллат вакиллари билан алоқаларни йўлга қўйиш зарурати вужудга келди. Бу эса олимларнинг “сияр” бўйича асарлар ёзишларига сабаб бўлди. Хусусан, Имом Абу Ханифа, Имом Шабий, Имом Мухаммад, Авзоъий, Саврий ва Фазорий каби фақиҳлар ҳам бу мавзуда асарлар ёзганлар.

“Сияр” илмини ўрганган фақиҳлар ўз асарларида унинг ўзига хос хусусиятларини ҳам кўрсатиб берганлар. Хусусан, фақиҳлар исломдаги халқаро муносабатлар ахлоқ тамойилларига таянишини таъкидлаганлар.

Таянч иборалар: сияр, ислом халқаро ҳуқуқи, халқаро муносабатлар, сунна, фикҳ, ҳудуд, мазҳаб, ақида, ахлоқ, аҳд

Аннотация: Мировое сообщество не сразу достигло нынешнего уровня регулирования международных отношений. Этот процесс является результатом международно-правового практического опыта, накопленного с далекого прошлого до настоящего времени. Исламское право также играет особую роль в этом процессе. В статье представлена информация о становлении и развитии науки регулирования международных отношений в исламе – “сияр” и ее особенностях.

Именно благодаря науке сияр был впервые описан образ жизни пророка Мухаммеда (мир ему и благословение Аллаха). Кроме того, сияр - это наука о правилах, регулирующих отношения мусульман с представителями других религий во время войны и мира.

В частности, с помощью науки сияр были изучены договоры о войне и мире между мусульманами и немусульманами, гуманитарные принципы, которых следует придерживаться при ведении войны, порядок отправки послов в другие страны, правила фикха, касающиеся прав и обязанностей представителей других религий, проживающих в мусульманском мире.

Развитие науки сийар было необходимостью того времени. В результате расширения Арабского халифата возникла необходимость в установлении отношений с представителями разных религий и национальностей.

Это побудило ученых написать работы о науке сийар. В частности, такие факихи, как Имам Абу Ханифа, Имам Шаби, Имам Мухаммад, Аузаи, Саури и Фазари, написали работы на эту тему.

Специалисты, изучавшие науку сийар, исследовали в своих трудах ее особенности. По их мнению международные отношения в исламе основаны на моральных принципах.

Ключевые слова: сийар, международное исламское право, международные отношения, сунна, фикх, территория, мазхаб, вероучение, мораль, соглашение

INTRODUCTION

The Muslim state was established in Medina in the early Middle Ages. It spread to large areas and needed to organize cooperative relations with various countries in this process. It required Muslims to systematize the rules of international jurisprudence. The political situation in the caliphate and the conquests of the Muslims influenced the formation of works on international relations. The Muslim jurists wrote separate books on the subject, trying to elaborate on the rules and regulations of international law. In particular, hadith scholars and seerah scholars paid special attention to this area according to their methods. The works on international relations in the Muslim world began to be written.

The works in the field of Seerah also focused on revealing the humanistic ideas of Islam, studying its philosophy and scientific foundations, showing its role in strengthening the faith in the human heart, and correctly interpreting its essence and doctrine. This is important today in maintaining inter-religious harmony and maintaining peace in society.

METHOD

The first stage in the development of Siyar science dates back to the Abbasid period. During this period, scholars studied the biographies of the Prophet (saas) and the lives of the righteous caliphs in detail. They tried to draw conclusions from the rules and regulations and find a specific method in this regard. In particular, the scholars emphasized the need to find the Shariah basis for the conquests (al-futuh) carried out by the Muslims. Some scholars limited themselves to study historical data, while others shed light on the Shariah principles of international relations in Islam. This approach, in turn, paved the way for the next generation of Muslims to systematize their ties with other nations (Zumayriya Usman Jumah, 1996:245).

These studies led to the systematization of normative methods in this area, forming a new approach to the science of Islam, which is the science of international relations – Siyar.

RESULT

We point out the following aspects of the science of Siyar:

– The science of Islamic international law and international relations is manifested as a branch of Islamic law called Siyar. Siyar is not only a historical legal system. It is also a part of the legal system of the existing Muslim countries in the world today.

– The fact that Siyar depends on religious sources. The science of Siyar is part of jurisprudence, based on revelation, and its rulings link with morality and belief. This feature of Islamic international law has its positive aspects. In particular, the foundations of international relations in Islam link with the creed, and therefore it is highly respected.

– The science of Siyar regulates the legal status of different religious groups and is not an exact prototype of modern international law. There are only some similarities between them. In this regard, Javoid Rahman[1], a professor at the University of Brunel in London, spoke about Islamic international law (Siyar). He emphasized that it is different from international law in the West and deserves to be an independent science.

DISCUSSION

Islamic international law has consisted of norms developed by Islamic jurists based on the doctrine of Islamic law since the eighth century, first with the formation of the need to regulate the international relations of the Umayyads and later the Abbasid Caliphate. It should be noted that, unlike classical European international law, Islamic international law developed not as a result of the ideas in the books. but as a result of the legal regulation of the specific international relations that arose. This process took the form of a Siyar network in Islamic law.

According to Dr. Afifi, even after the Prophet (saas), relations were established with foreign countries This laid the groundwork for the emergence of systems that formed the basis of international relations. The jurists first called them al-maghazi and later as-siyar (Afifi Muhammad Sadik, 1977:21).

The book is named “Islam. Encyclopedia”. It states that the Siyar network is the norm. It was set by the faqihs to regulate the relations of Muslim rulers with other countries, the order of war and the distribution of military booty, and the policy of the Muslim ruler towards other religions. The book argues that only the

norms of the siyar that determine the legal status of non-Muslims had a legal character.

L. R. Syukiyaynen conditionally distinguishes the siyar network that regulates international relations in Islam when he wrote about the branches of Islamic law. This area of Islamic law regulates the following:

1. Relations between the caliphate and other states;
2. Issues of peace and war;
3. Relations of the Muslim community with representatives of other religions;
4. The legal status of different parts of the population in terms of attitudes towards Islam (Syukiyaynen Leonid Rudolfovich, 1986:85).

The jurists of the first period studied the subject of Siyar separately, but within the chapter Jihad, Maghazi or Apostasy, the covenant of peace, and jizya. Undoubtedly, Abu Hanifa Numan ibn Thabit (d. 150/767) was one of the first scholars to teach this subject and write a separate book. However, it should be noted that jurists such as Imam al-Shabi, al-Awzai, al-Sawri, and al-Fazari were the first to pay attention to this subject.

Kufa's Imam Shabi Amir ibn Sharahil (d. 103/722) was one of the most famous jurists and hadith scholars in Kufa and had extensive experience in international relations. In particular, Imam Shabi served as an ambassador between Abdulmalik ibn Marwan and the Roman king. Because of his practical experience, the scholar also gave lectures on the subject. Even the great Companion Abdullah ibn Umar (r.a.) praised Imam Shabi's knowledge of international relations. On the authority of Imam Nafi, Ibn Umar (may Allah be pleased with him) heard Imam Shabi narrating a hadith about the expeditions and said: This young man is narrating a hadith about the battles as if he were with us." Tabarani says: "He was narrating a hadith about the military expeditions (maghazi). Ibn Umar (may Allah be pleased with him) passed by him and heard him. After that, he said: "Even though I took part in the expeditions with the Messenger of Allah (may peace be upon him), this man (Shabi) remembered the Maghazi better than I did." Of course, these narrations mean that Imam Shabi paid special attention to the subject of Siyar (Zumayriya Usman Jumah, 1996:246-247).

Another scholar who wrote on the subject of Siyar was Shaykh al-Islam Ibrahim ibn Muhammad ibn Harith al-Fazari (d. 186/802). He has a work called as-Siyar. The scholar studied jurisprudence from Imam Awzai and was directly involved in the practical processes of the rulings on the subject of siyar. Imam Fazari was known as Sheikh as-Sughur (Sheikh of Borders). He was mainly operating in the border area and died while defending the city of Massisa from the enemies.

As-Siyar by Imam al-Fazari deals with military expeditions, biography, jihad, the preparation of the army

for battle, the organization of ranks, the distribution of booty, and the ruling of apostasy, as well as the relations of Muslims with other religions. Imam Shafii praised this work and said: "No one has written a work on the subject of siyar similar to the book of Abu Ishaq Fazari" (Zumayriya Usman Jumah, 1996:249).

As mentioned earlier, the first work on international Islamic law was written by Abu Hanifa. Abu Hanifa also named this area Siyar. Abu al-Wafa al-Afghani writes in this regard: The oldest work on the subject of Siyar is Kitab al-Siyar by Abu Hanifa Numan ibn Thabit Kufi. Abu Hanifa wrote this work with such great imams as his disciples Abu Yusuf, Zufar, Asad ibn Amr, Hasan ibn Ziad Lu'lui, Hafs ibn Giyas Nahai, Muhammad ibn Hasan Shaibani, Afiya ibn Yazid and his son Hammad. These scholars narrated as-Siyar from Abu Hanifa and enriched it with their thoughts and views. As a result, several works attributed to them were born. Among them are the works of Hasan ibn Ziyad and Muhammad ibn Hasan Shaybani on siyar (Abdulkarim Zaydon, 2001:142).

Dr. Muhammad Hamidullah wrote the following about the term siyar: "The use of the term siyar as a term referring to Islamic international relations must have taken place in the second century AH. Indeed, Abu Hanifa was the first to use the term "Seerah" to refer to a set of lessons he taught on the rules of jurisprudence in war and peace. Later, the term began to be widely used by the followers of Abu Hanifa. As a result, Shaybani's works as-Siyar as-Saghir and as-Siyar al-Kabir have come down to us.

Imam al-Awza'i, a contemporary of Abu Hanifa, also did remarkable work in this regard. Sheikh al-Islam Abu Amr Abdur-Rahman ibn Amr ibn Ahmad (d. 157/774), that is, Imam al-Awza'i, was one of the mujtahid imams and founded his sect in Damascus. The Awza'i madhab was practiced in Damascus and Andalusia until the 3rd century AH. Imam Awza'i is recognized by many scholars as a trustworthy, virtuous, and good man. He was engaged in the science of hadith and jurisprudence.

At the same time, Imam al-Awza'i also paid special attention to the science of Siyar, wrote a work on the subject, taught students, and even set an example for everyone in applying the rulings on siyar in practice. Imam Awza'i was one of the first scholars to write on the subject of siyar. He authored a book called Kitab as-Siyar. The author wrote this work as a refutation of Abu Hanifa's views on siyar. When Abu Yusuf found out about this, he wrote a refutation to al-Awza'i's work, entitled al-Radd 'ala Siyar al-Awza'i. Imam Muhammad ibn Hasan Shaybani also refuted this work of al-Awza'i in as-Siyar al-Kabir.

However, al-Awza'i's book as-Siyar did not reach us in the form of a separate book. The existence of his work of the same name has been pointed out in some jurisprudential works. In particular, Abu Yusuf in al-Radd 'ala Siyar al-Awza'i first quotes Abu Hanifa's views on siyar and then writes al-Awza'i's denials on the subject. Abu Yusuf then refutes Awza'i, narrating the evidence of his teacher Abu Hanifa and his evidence in this regard.

It can also be seen in al-Umm that Imam al-Shafi'i quoted al-Awza'i's views on siyar in the same style. Al-Umm quotes Awza'i's words and then Abu Yusuf's words verbatim. From this point of view, Al-Umm seems to be the second copy of al-Radd ala Siyar al-Awzai.

Imam Awzai not only conducted scientific research on the subject of siyar but also took an active part in the implementation of siyar and its rules. Awzai, in particular, served in the border areas and died while defending the city of Beirut in the province of Damascus from the enemy. At that time, Shaykh al-Islam, Hafiz Sufyan ibn Sa'id ibn Masruq al-Sawri (d. 161/778) also wrote a work on the subject of siyar, al-Jami.

It should be noted that there are some comments on the first works written on the subject of Siyar. Some scholars have recognized the work of Imam Zayd ibn Ali ibn Husayn ibn Ali ibn Abu Talib (d. 122/740) as the first source on the subject of siyar. Imam Zayd was a faqih and hadith scholar who wrote works on the science of fiqh and hadith. In particular, Majmu' al-Hadith and Majmu' al-Fiqh are attributed to him. These works were written by Abu Khalid Wasit al-Hashimi, a student of Imam Zayd, and these two works were collectively called al-Majmu' al-Kabir.

Imam Zayd's book on Siyar deals with the virtues of battles and siyar, the virtues of jihad and martyrdom, the distribution of booty, covenants and dhimma, flags, khums, and booty, apostasy and ghulul, the fight against rebels, and obedience to the imam (Sharafuddin Sayyoghi, 1968:608).

We know that Abu Hanifa's disciples Zufar ibn Huzayl and Ibrahim Fazari also wrote a book on Siyar. However, the most detailed work belongs to the pen of Muhammad ibn Hasan Shaybani. Shaybani first completed a work entitled as-Siyar as-saghir. Later, at the end of his life, he wrote as-Siyar al-Kabir, based on the experience of himself and his teachers.

Siyar scholars point out that Islamic rules of international relations differ from modern international law in their peculiarities. The basic rules of Islamic international relations are not laws developed by mankind and can be changed or repealed depending on the situation. The verses of the Qur'an and the hadiths are undoubtedly recognized as the primary source of

rules in international relations in Islam. The treaties of the caliphs, the orders and recommendations sent to the commanders, and the consensus of the faqihs are also sources of International Relations. In this respect, it accepts particular changes in matters not mentioned in the Qur'an and hadith, depending on time and space.

The rules governing international relations specific to Islam have some features that are not found in modern international law. According to experts, the current international norms are the collection of rules regulating the interaction of a group of independent states in wartime and peace and having a territorial character. The state can only own its territory and its subsoil and surface resources, in which it has no right to dispose of the area of other states. This concept is unique in Islamic law. The rules of international relations in Islam focus on the human aspect rather than the territorial aspect. Muslims and non-Muslims apply the rules as areas of residence (Sulayman Tamavi, 382-385).

Because of this, the rules governing international relations specific to Islam differ from current international norms by the following features:

1. *The primary source of rulings on the rules governing Islamic international relations is a revelation (wahy).*

This is one of the most important features, and other aspects are also developed based on this feature. The science of Siyar, that is, international relations in Islam, is an integral part of jurisprudence, which depends on the Qur'an and the Sunnah. Rules derived directly from these sources are generally considered invariant.

Some scholars have also put forward different views on the change in the rules of Islamic law. In particular, according to Dr. Abdulhamid Mutawalli, Islamic law is of two types:

1. Divine, that is, immutable laws;
2. Situational (man-made) laws (Abdulhamid Mutavalliy, 11).

Some scholars, such as Sheikh Abdul Wahhab Khallaf, Dr. Gunaymi, and Dr. Ali Jarisha, have classified Islamic law as follows:

1. Primitive. That is, the basis of Shariah law is the right of Allah alone.
2. Primary. In some rulings, the human factor is also involved, that is, scholars have the right to perform ijtihad according to the rules established by the Shariah. But tashri, that is, the enactment of the law is the right of Allah alone (Zumayriya Usman Jumah, 1996:259).

These rules apply to international relations to other areas of Islamic law.

2. *Dependence of judgments on international relations on belief and morality.*

This feature of Islamic international relations also differs from current modern rules. In this regard, too,

international relations in Islam are closely linked to the Quran and the Sunnah. Islamic law has an aspect that does not exist in modern international norms, namely the doctrine of monotheism. The basic teachings of Islam focus on two features: the Aqeedah and the Shariah. Aqeedah is an idea expressed in the Quran in the name of faith. Shariah is the rule established by Allah, and a Muslim follows the rules of Shariah by following the religion.

The rules of Islamic international relations place great emphasis on moral values. In the history of Islam, being a faqih in the religion was first put forward. All modern religious sciences are formed based on this idea. Over time, various fields of science became distinct from this idea. The science of Furu' al-fiqh is one of them. Later, the International Relations field formed an independent branch of this science. Undoubtedly, moral values also play a significant role in this science. None of the Islamic sciences is an independent field of science in isolation from each other. Perhaps they all emerged and evolved in close connection with each other. All the teachings of the Shariah sciences aim to make a person happy in this world and the hereafter. In particular, the Islamic international relations field aims to establish solidarity among people and strengthen peace between states and societies. One of the most effective ways to put this idea into practice is to conduct legal relationships based on ethical criteria.

As mentioned above, moral values are vital in the establishment of not only personal relations but also international relations in Islam was proven in the verses of the Qur'an. The rules of international relations were put into practice through the hadiths and the policies of the Rashid Caliphs in times of war and peace. Later, the faqihs developed rules for Islamic international relations based on these three principles. In particular, issues such as keeping the covenant, avoiding lies and deceptions, not committing atrocities during the war, not killing the unarmed, and not using deadly weapons emerged.

This feature of international Islamic relations has attracted the attention of many scholars. In particular, Dr. Majid Khuduri writes: "Islam is a way of life. It pays close attention not only to ideological issues but also to the moral foundations of international relations. The Islamic creed is the basis of morality. It encourages Muslims to be tolerant of other religions, especially during war. The history of Islam shows that if international relations do not have a moral basis, the term social system will become a meaningless term (Zumayriya Usman Jumah, 1996:265).

This quality arouses a sense of greatness and respect for the rules of Islam in the minds of people. Islamic jurisprudence is not only a rule of Shariah but is also a

moral criterion. The teachings of the Quran, mixed with the inner feelings of the human conscience, contribute to the development of society. As a result, there is no need to monitor a person's obedience to the law (Mustafo Ahmad Zarqo, 1972:219-220).

The notion that responsibility is inevitable in the hereafter, even if one escapes secular punishments for violating the rules of Shariah, also applies to Islamic international relations. It keeps a person within the bounds of morality in international relations. Punish manifests itself in a secular and ukhrawi (relating hereafter) way. If the punishment is given by the ruler or the general administration of the state, it is secular. The punishment given by Allah on the Day of Resurrection is called ukhrawi. There is also the concept of repentance, which is used to cancel or mitigate the punishment of the offender in the hereafter, and in some places even in the world (Alauddin Kosoniy, 4295).

Sheikh Muhammad Abu Zahra writes in this regard: "As a result of linking Islamic law with religion, this law firmly links with moral rules and human values. As a result, the provisions and issues of this law do not go beyond the scope of good conduct. Indeed, Islamic international relations are the first set of rules related to morality. In Islamic jurisprudence, we see a strong connection between law and ethics. It was the dream of philosophers and sages in ancient times. They tried to bring it to life, but the events, in reality, did not allow it.

Because the foundations of Islamic jurisprudence are rooted in religion, it has penetrated deep into the hearts of leaders and the people. Islamic jurisprudence emphasizes that all should follow the rules equally. It has played a significant role in achieving the priority of the principles of justice in international relations. Especially during the war, soldiers were encouraged to be kind to civilians and not destroy homes, temples, and gardens (Abdulkadir Avda, 1977:70).

Experts of international law also point out that there is a difference between the rules of international law today and moral values. It is required to monitor the rules of international law. But there is no way to control moral values in international relations. It is therefore not prosecuted when it is not possible to determine a violation of the rules of international law (Ja'far Abdusalom, 1981:33-37).

Sheikh Abdul Wahhab Khallaf compares the Islamic rules of war and the norms of international law. He writes: "Islamic rules are in line with international law in most places, but they are different in some ways. Islamic rules are the rules imposed by the religion. The strength of the Muslim faith and belief plays a key role in putting them into practice. Such a feature is not found in the implementation of the rules of international law.

There is no power behind it to protect and enforce its judgments. "Islamic rulings, even in times of war, are enforced by the faith of the Muslims." These cases help to follow the established procedures and prevent various violations (Abdulahhob Xalof, 1977:85).

CONCLUSION

The emergence of Siyar science and the completion of many works related to it is certainly not an accident. This was not only an integral part of Islamic jurisprudence but also a requirement of its time. During this period, the caliphs were also interested in the emergence of this branch of jurisprudence. For example, the famous Caliph Harun ar-Rashid asked Abu Yusuf, a student of Abu Hanifa, to develop fiqh rules on international financial relations for the state to follow. At the request of the Caliph, Abu Yusuf completed his famous book, al-Kharaj. Muhammad ibn Hasan al-Shaybani also brought his book as-Siyar al-Kabir to the Caliph as soon as it was completed. Then Harun ar-Rashid praised the book and ordered his children to study it. The rules of international relations classified by Islamic scholars distinguish by the fact that they also include moral norms. In turn, these rules in Islam have had a particular impact on modern international relations.

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