

MAJDUDDIN MUHAMMAD USTURSHANI FOUNDER OF CHILD RIGHTS

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Abstract

This article we can see that great thinkers such as Majduddin Muhammad Usturshani, who lived in Movarounnahr in the Middle Ages, were the authors of the first fundamental work on "Child's Rights" three centuries before Western scholars. Majduddin Mohammad further increases the scientific value of Usturshani's work, turning it into a unique source in the history of the formation of the scientific direction of juvenile law, that is, children's rights, which is one of the important segments of human rights.

Key words

Majduddin Muhammad Usturshani, Human rights, President, UN, Hugo Grotius, Thomas Hobbes, Islamic law, international law, normative legal system.

INTRODUCTION

Ensuring and protecting human rights has been one of the most basic and main issues in all stages of the development of human society. In a democratic legal state, the mechanism for the protection of human rights must be perfectly created. Human rights are of great importance in the socio-economic, political and spiritual life of every country, and it is the main criterion that shows the level of democratic development of this society, and the "indicator" that determines the humanity of the state. The fact that a human right is affected by national jurisdiction means that legal relations have been established in relation to it. Most of the relations that have arisen and may arise related to human rights are regulated by the legal network of human rights. We can see that the concept of human rights has found its place in all legal systems. It can be in Islamic law, Anglo-Saxon (common law), Romano-Germanic (regional law) systems. Human rights are a comprehensive concept that encompasses the aspirations of all mankind. In this sense, systematic measures have been taken today to further strengthen and develop the national mechanism for the observance and protection of human rights in the new Uzbekistan. Today,

Uzbekistan has joined the UN Convention against Forced Labor, more than 80 main international documents on human rights to which our country is a party, the provisions of 10 main international treaties of the UN in this field, the new version of the Constitution of the Republic of Uzbekistan and national legislation, which ensure effective protection of human rights and freedoms. found its expression in the norms. Today, at the stage of new reforms of our national development, education and training of a person is considered as the main guarantee of all our reforms. In particular, Uzbekistan actively participates in the UN's global program in the field of the human right to education. As the President of the Republic of Uzbekistan Sh.M. Mirziyoyev rightly stated, "...in order to further increase the effectiveness of human rights protection, we must have a national strategy, within the framework of the national strategy, create a continuous system of human rights training, general education schools, higher education institutions, personnel It's time to introduce special training courses called "Human Rights", "Child Rights", "Women's Rights" in retraining centers" (Mirziyoyev Sh., 2019.).

Another institutional area of human rights is "Child's rights". We can see that the separation of this field also required some time. About 35 percent of the population of our country, i.e. 11 mln. Most of them are children under 18 years old. This indicator is very important, and the issue of raising children as a factor determining the future of every nation is of decisive importance for the future of our country. In one of his speeches, President Shavkat Mirziyoyev expressed the following opinion about children:

In fact, in the conditions of today's globalization, raising patriotic children with high spirituality, independent thinking, a broad worldview and deep knowledge, forming immunity against various ideological threats in our country, creating all social, economic and legal conditions for them is a state responsibility. became one of the main issues raised to the level of politics.

If we look at the development stages of human society, children's rights are one of the oldest problems in the history of human society. The rights of children differ from the rights of other categories of people, and their rights, freedoms and obligations are regulated in a special order, on the basis of certain privileges and with their own characteristics. The right of the child means a set of legal norms that regulate the interests, freedoms and obligations of children (Rustambayev M.Kh., 2022:139). As a result of the emergence of Christianity in Ancient Russia in the 9th-17th centuries, a new attitude of "be like children" began to be established by the priest promoting the ideas of compassion towards children. From the time of All Russian Emperor Alexei Romanov (1645-1676) to the end of the 19th century,

special attention was paid to the issue of legal regulation of children's rights. In particular, according to the rules established in the "Regulations" (Ulozheniya) adopted in 1649, the birth of a child and the treatment of a child born out of wedlock are defined, which can be said to be the first legal document in the history of Russia (Rustambayev M.Kh., 2022 :143). In particular, Dutchman Hugo Grotius (1583-1645), who is considered the founder of the science of international law, is considered one of the founders of the theory of human rights in the modern sense. The theory of a just war related to human rights was also published in 1625 by this jurist who lived during the Eighty Years (1568–1648) and Thirty Years (1618–1648) wars in Europe. formed. Because, at the basis of the theory of international law described in the works of G. Grotius lies the noble idea of the natural rights of man. He stated that “natural rights are the priority and requirement of common sense: accordingly, this or that behavior is a moral disgrace or a moral necessity based on its logic or illogicality” (Hugo Grotius., 2005:150-151). In fact, such a universal document that embodies the natural rights of a person has never appeared. This process includes several stages. In particular, the English philosopher Thomas Hobbes (1588-1679) developed the ideas of Grotius and formulated the theory of social agreement. According to him, the state of enmity of all against all among people occurs due to the lack of mutual obligations between them. Therefore, in order to ensure their security and peace, people give up some of their individual rights and hand them over to the state. In this case, people seem to have concluded an agreement with the state to ensure their own protection and control the safety of society (Atayev M., 2021:15).

Since the first age of happiness, when Islam found its place in human society and found practical application in secular and religious life, it has attached great importance to children's education. This doctrine and its guidelines require that young people, who are the foundation of the society and the perspective of the ummah, become perfect people in all aspects. As one of the talented researchers of Islamic jurisprudence, Syukiyainen, said, “...the formation of a complete concept of human rights is not only a product of Western thinking, but also of other cultures and non-Christian religions. In particular, some Western researchers came to the conclusion that Islamic thinking had a certain influence on determining the legal status of prisoners of war in medieval Europe” (Syukiyainen L.R., 2014:81). Unfortunately, such recognitions are rare. Therefore, it is the duty of today's researchers to clear the dust covering the face of this historical truth and reveal its vital force that is still relevant. In the hadiths of the Holy Prophet (PBUH), parents are encouraged to show kindness and care to young children, to raise them to

adulthood on the basis of correct belief and healthy upbringing: insist, these deeds will save them from the torment of the Hereafter (narration of Ibn Jarir).

From a broader point of view, educating the young generation with high human qualities is the main task of not only society, but also every family and every parent. From the first years of our independence, great attention was paid to studying the foundations of the Hanafi sect and to researching and publicizing the contributions of Movarounnahr (Transaxiana) scholars to the development of this sect. Many scientific treatises and manuals were written by the scholars of Mavorounnahr based on the works of Abu Hanifa and his students Muhammad ibn Hasan Shaybani and Abu Yusuf, and made a great contribution to the development of this sect.

Majduddin Muhammad ibn Mahmud ibn Husayn Usturshani, a talented student of the author of the famous *Hidaya*, Burkhaniddin Marginani, is one of such works. The work "Jome' ahkom al-sighar" has been recognized as one of the largest jurisprudential works written on the rights of young children based on the Hanafi school. This work is a compilation of Shariah fatwas and rulings related to young children, which are scattered in about a hundred sources of fiqh (Islamic law). Majduddin Usturshani studied the jurisprudential fatwas of all the jurists belonging to the Hanafi school, who lived and created up to his time, collected the issues related to minors and put them into a separate book.

The main idea that we should pay attention to is that the first fundamental and perfect work based on the rights of the child was written not in the Western world, but in our country, in the oasis of Jizzakh in present-day Uzbekistan. After all, this work was written approximately four hundred years before the formation of theoretical concepts on the issue of human rights in the Western world, and six hundred years before the first norms regarding children's rights appeared. In other words, long before the idea of the natural rights of man raised in antiquity was re-applied in the West, the East formed perfect mechanisms for its realization. After all, the institution of fatwa has been performing the task of coordinating the organization of the life of the Muslim community based on Sharia for centuries, and fatwas have been used as legal and normative criteria for the solution of big and small problems of social and individual importance.

It should also be noted that in the Middle Ages and later historical periods, it is not known that a separate work was written on the rights of the poor. This further increases the scientific value of Majduddin Muhammad Usturshani's work, making it a unique source in the history of the formation of the scientific direction of juvenile law, that is, children's rights, which is one of the important segments of

human rights. From the hadiths of the Prophet (pbuh): “give your children manners and make their manners beautiful”, we understand that children are given mature and perfect attention in all aspects. In another hadith, it is said: No father can give his child a better inheritance than good manners. “We can see from this that the child’s manners and upbringing is an important matter and their rights must be respected. There should be children with good manners and exemplary behavior in the school. Because a young child learns everything by imitating them and becomes friends with them”.

CONCLUSION

Human rights occupy an important place in Islamic teachings. In the holy Quran and hadiths, the issue of human dignity and rights is given a lot of space. In it, the personal and social rights of a person are stated on the basis of Sharia laws. In the sources of Islamic law, human destiny and life are expressed in connection with the name of God. In this, it is established that all people on earth are equal before God, and that each person should use the blessings given by God equally. The Holy Qur'an and the Hadith show the rights of a person according to God and Sharia, the rights that a person must use. For example, in verses 223, 228, 229, 230 of Surah Al-Baqara, the right of men and women to marry or divorce, in verse 20 of Surah Ali Imran, the right to believe in Islam and other human rights are the requirements of Sharia law. based on. Imam Bukhari's work “Al-adab, al-mufrad” (masterpieces of manners) deals with fulfilling parental rights, the rights of a child in front of his parents and the rights of parents in front of his child, visiting, having a residence and other rights. - rights are mentioned in hadiths. In the hadith sharifs, it is not allowed to belittle the dignity of a person, not to attack his honor and reputation, everyone should have personal rights such as privacy, free thinking, free speech, and the right to own property. It is expressed that it is necessary to protect your various social rights to have a place of residence and inviolability in accordance with the requirements and laws of Sharia. In the hadiths collected by Imam Bukhari, Imam Dorimi, Imam Nasafi, Imam Tirmidhi and many other muhaddith scholars, important information is given about issues related to human rights and the need to protect them. It is not for nothing that the issue of human rights is presented in hadiths. Because in the religion of Islam, the honor and dignity of a person is raised to a high level, and any attempt to insult it is condemned. The main feature of the Constitution of the Republic of Uzbekistan is the regulation of relations between "person - society - state". So, first of all, the interests and needs of a person (citizen) are given priority. The third place of the state is the basis for determining its constitutional and legal status. This means that

the state serves citizens and society with its activities. Thus, in the Constitution of the Republic of Uzbekistan, the obligation of the state to recognize and protect human rights and freedoms related to human rights, human (civil) rights and freedoms must be in accordance with international legal standards, and in this field international law prevails over national legislation. , such as the fact that human rights naturally belong to humans, that all citizens have the same rights and freedoms, that they are equal and equally applicable to everyone, that the system of human (civil) rights is a criterion for defining and limiting the powers of state bodies, and that they must not harm the rights and freedoms of citizens the main principles of law are expressed.

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