

ABSTRACT

to the dissertation of Smagulov Nurzhan Aidarovich for obtaining the degree of Doctor of Philosophy (PhD) in the specialty «8D02201 - Islamic Studies» on the topic «The basis for the formation of Shariyat legal views of Shakarim Kudaiberdiev (on the material of the book “The Book of the Muslim”)»

A general description of the Research. This particular dissertation deals with the life path of Kazakh poet, thinker, rationalist, idealist, faqih and mutakallim Shakarim Kudaiberduly and the reasons which have affected the formation of his religious idealistic outlook. Then the study focuses on his sociopolitical, religious ideas, religious ideal school, methodology and Sharia evidence interpretation which were applied in his religious reflections. The research investigates the compatibility and conflicts of these ideas with the decisions of the «Zahir al-Riwaya» and «mufta bihi» of the Hanafi madhhab. Such framing is relatively common in research concerning Shakarim Kudaiberduly's Islamic religious treatise «The Book of the Muslim».

Relevance of the Research. While analyzing the past, Kazakh society has gone through its own specific way of becoming organized by a certain social and ideological conditions, resulting in what is now called «traditional worldview» and «traditional consciousness», respectively consciousness. Although the traditional worldview saves by history and is quite a basic, reliable way to build the future on its basis, it can be changed just as well under certain other conditions will act differently. But still, since the other pole is a simple process of constantly becoming modern and nothing else within traditional highest categories it can lead to distortions in human consciousness itself because production innovations fueled by changes inherent new forms moving life – this train rides.

Nevertheless, even in these cases the traditional consciousness which has historical significance does not completely go to pieces but is preserved as an imprint within history. The latent persistence of this traditional thinking is predicated on the characteristics of how new elements emerge in people's minds. As much as new social ideas, outlooks have exceptional material and economic root in history (under the guise of how these are pasted on to particular forms of expression) they never remain isolated from a long deposit or ideological mass which cannot be distinctively cut off their traditional base. The education of each new generation in social values, based on a wide range of concepts and ideas known from previous history is traditional principle rooted in national consciousness. In the theory framework, this may give a good explanation for societal tradition (which is then to defined as certain principles of national consciousness that emerged with historical real – life processes and have an influence on new generations).

Tradition, as a culture force will be so necessary for the next generations to take heed of their future in light with past and prevent from potential harm that may comes along with modernity. The little dissonance with the traditional worldview without any trace is almost equal to forming a new country, and this makes national development look challenging. A nation that is free of traditions and values? As history has taught us, the longer a nation has been around, the more it can take. If we accept that the source of traditional knowledge is our ancestors' path, then it becomes clear that learning their history is an assurance for us to have a great future. Since the era reflects the life of a prominent figure, we need to look at traditional ideological and consciousness and examine with it figures who emerged in previous centuries. This gives us a platform to review our history in another perspective. Among the nation – wide personalities whose lives deserve to be studied in this way there is also a great Kazakh poet, thinker, rationalist, positivist, idealist, faqih, mutakallim Shakarim Kudaiberdyuly. Shakarim Kudaiberdyuly, known until now as a poet, writer and prose writer, historian, composer. This dissertation proposes to do so by taking a fresh look at him through his religious and academic world, using what could be found of it in the area of knowledge (aqaid), thoughts as well sufficed with scholarship's approaches represented into «The Book of the Muslim».

Shakarim Kudaiberdyuly is popularly known as a philosopher, and a poet much far from being as religious as he is believed to be. Furthermore, The Book of the Muslim has not been sufficiently studied from the perspective of Islamic studies, particularly in terms of Islamic jurisprudence. This research, in term, will contribute to showing a new aspect of Shakarim as an Islamic jurist. Also, the review of The Book of the Muslim from Islamic standpoint will promote the establishment of the local Islamic school in Kazakhstan. This cultural significance is very profound. With regard to Shakarim, it is built the argument of the unchallenged existence of Islam in the Kazakh territories since the 8th century. Its notwithstanding omission of Shakarim's work on outlining Islam and its legal order organically within the locational as well as the cultural environment of society's practice of Islam, goes very long in the recent Muslims of Kazakhstan the sake of the religion and its social stability. This emphasizes the importance of the research work.

Object of the Research: The scientific heritage of Shakarim Kudaiberdyuly related to Sharia teachings and the academic studies concerning this research.

Subject of the Research: The system of idealistic views of Shakarim Kudaiberdyuly and Fiqh perspectives in his work «The Book of the Muslim».

Objective of the Research: To analyze implications of Shakarim's works in the sphere of Sharia, deriving from the original writing style of the renowned poet, literary scholar, philosopher, public figure, member of the Alash intelligentsia, faqih, mutakallim, rationalist, and positivist, Shakarim Kudaiberdyuly, who is one

of the most distinguished representatives of the Kazakh intellectual elite of his time.

Main objectives of the Research:

- To describe the writing style of Shakarim Kudaiberdyuly's treatise «The Book of the Muslim»;
- To show the sequence of fiqh rulings considered important by the scholar through a comparative and thematic analysis of «The Book of the Muslim»;
- To explore such sources as the background of «The Book of the Muslim» and its content, aiming at textual and thematic comparisons of these sources;
- To analyze the rulings presented in «The Book of the Muslim» from an Islamic studies perspective to determine their alignment with or deviation from the Hanafi school;
- To investigate whether the rulings based Shakarim's personal insights align with Sharia or conflict with it;
- To identify schools of thought other than the Hanafi legal school referenced in «The Book of the Muslim»;
- To analyze the methods he used to validate his perspectives and examine Shakarim's rulings that diverge from established Hanafi scholars;
- To highlight instances where Shakarim based his rulings on custom;
- To assess the strength of religious texts used in «The Book of the Muslim»;
- To identify methods of employing religious texts;
- To determine and elaborate on the works and scholars cited in «The Book of the Muslim» and clarify the issues addressed.

Leading idea of the Research: Identify the scientific and theoretical foundations of Shakarim Kudayberdyuly's Sharia, based fiqh perspectives found in his works.

Level of Research. In the course of the Shakarim Kudaiberdyuly's death, which took place with the advent of Soviet power and due to the subsequent labeling of him as an «enemy of the people», the information on and analysis of has undergone a significant shift effectiveness of his creative works limited. Already in 1958, with his posthumous rehabilitation, works scrutinizing the artist, with acknowledgment of his significance and criticism of his work, became available.

Among the pioneering studies of one of Shakarim's most important works «The Book of the Muslim» is one of his articles by K.R. Beisembiyev, published in 1961 in the publications of the Academy of Sciences of Kazakhstan. In his scientific work on ideology and political processes in Kazakhstan of the late 19th and early 20th centuries, these materials are subjected to a structural examination, where, according to Beisembiyev's consistent approach, every aspect that appears ideologically constructive is often defined in terms of materialist positions.

Abdygaziev Baltabai Abdigaziuly's dissertation of 1990 is of some importance. This is «Traditions of Abay and Shakarim's Poetry» which is published in Almaty. It includes an biographical report on Shakarim, or part of it, such as one chapter, is on «Shakarim's lyrical works».

Another publication in this respect is the book that came out in 1991 of Shamsiyabanu Satbayev «Shakarim: The origins of tradition» released in «Prostor». Satbayeva analyzes the materials of the book «The Book of the Muslim» and other works of Shakarim providing evidence for the justification of her readings and sharing some personal data.

Other related research includes Apriza Aytbaeva's 1996 dissertation abstract, Shakarim Kudaiberdyuly's religious and ethical views, which explores the social, historical and spiritual sources of Shakarim's ethical and religious perspectives.

In the year 2000, a book was published on the identity of Philosophy within the overall picture of knowledge. It was a result of collaboration between V.K. Alzhanova and K.K. Begalinova which was published in Almaty and Semey. It also considers the works of Shakarim. It should be noted that the scope of the presented research is far wider than the philosophy of Shakarim, although it puts the problematic of his philosophy in the context of the holistic and syncretic character of the philosophy in general.

Beyond this, it is understandable that a Kazakh philosopher like Oraz Segizbaev would be occupied with the content of Shakarim's works on the level of spirituality for which Segizbaev wrote an unprinted dissertation. This was done by Segizbaev in his 1996 book mentioned earlier, the Kazakh Philosophy of the 15th – Early 19th centuries. Segizbaev here discusses the philosophy of Shakarim and notes the theistic and scholastic tendencies of the latter.

Sources of the Research. The main source of the study is the book by «The Book of the Muslim» Shakarim Kudaiberdyuly, which published in Orenburg in 1911 and using Arabic script. It is irrelevant and worth mentioning that this book is a handwritten manuscript as well. The half typed version in the Cyrillic script, «The Muslim contract», acme to the end of the study as there are some inaccuracies in it and the manuscript was addressed. When researching the religious ambiance of that time, the authors used data from various historical periods, for example, statistical data of the Russian Empire, and a range of official reports and literature commonly used both at the time of publishing the National Library of Russia and the Library Fund of the Republic of Kazakhstan where the Central Archive in Almaty is placed. To determine factors, which affected life and a worldview of Shakarim Kudaiberdyuly, the works of his close friend, Akhat Shakarimuly, such as «Memories about Shakarim», articles by Mukhtar Magauin «about Shakarim», Kayum Mukhammedhanov's book «Shakarim», Shamsiya Banu Satbayeva's «Shakarim Kudaiberdyuly», Shankai Turdykul's «Issues of Shakarim Studies», and Yerlan Sydykov's works on «Shakarim» were used as primary sources.

Both materials and scientific works on Shakarim uprising committed to enhance understanding and knowledge on the subject matter. A special emphasis given to demonstrating political and idealistic views that Shakarim Kudaiberdyuly held. The most notable references in this respect were K.R. Besembiev's «Ideological and Political Trends in Kazakhstan at the End of the 19th – Beginning of the 20th century», O.A. Segizabaev's «History of Kazakh Philosophy», R.B. Omarghazin's «The Essence of Spirituality»⁶ Abu Mansur al-Maturidi's «Kitabu at-Tawhid», Sa'd ad-Din at-Taftazani's «Sharh al-Aqid an-Nasafiya», and Abu Barakat an-Nasafi's «al-I'timad fi al-I'tiqad». The works of Ahmad Hadi Maksudid (1868-1941), published in 1901 in Kazan in Arabic script which titled «Ibadatu Islamia», Shakirzhan Hamidi Takuidi's «Ibadatu Islamia» published by the «Karimov» in 1905 and in Arabic script, «Mukhtasar Ibadat Islamia» written by Abdulqadir Kashgari have been employed for determining the period of the formation of the certain great work «The Book of the Muslim». In identifying the genealogy of Shakarim's teachers, and the main sources Kurban Ali Khalidi's «Tawarih Khamsa», «Tawarih Semey Pulat City», Ahmad Walid's «Tawarih Semey Pulat», Rizuddin Fakhruddin's «al-Athar», Muhammad Ramzi's «Talfiq» and Shihabuddin Marjani's «al-Mustafad» were used. The works of Sufi Allayar's «Maslaku al-Muttaqin» Ibn Abidin's «Radd al-Mukhtar», Ibn Humam's «Fath al-Qadir», Abdulghani al-Ghunaymi's «al-Lubab fi Sharh al-Kitab», and others were used to clarify Shakarim Kudaiberdyuly's fiqh views.

Scientific Methods and Techniques of the Research.

- In order to come to a biographical definition of Shakarim Kudaiberdyuly, different works and detailed examination was employed to carry out comparative analysis which provides a basis for making the relevant conclusions.

- To establish his attitudes toward the situation of the society, at each given social place of history, an integrated method of analysis of the historical data was applied, involving the use of hermeneutics on the texts themselves «The Boof of Islam».

- Textual comparison of his works «The Book of the Muslim» and «Three Definitions» with the religious philosophy of other scholars was done to identify Shakarim's religious, moral ideology. This was done through the method of analogy.

- To identify the genealogy of Shakarim's teachers, historical and biographical, genetic analyses, as well as syllogistic methods, were applied to various works.

- To research the religious situation of Kazakh society at the end of the 19th century and beginning of the 20th century, descriptive methods and proximity association methods were used, and along with methods of unity in performance and time.

- In the section considering the causes and the background of the creation of «The Book of the Muslim», various other methods such as localization, perception and similarity/contrast association of thought were also employed.

- The specific album is the book «The Book of the Muslim» whose linguistic and methodological writing characteristics were analyzed through semantic-etymological and comparative methods.

- To identify Shakarim Kudaiberdyuly's fiqh (sharia) views and the principles of Usul al-Fiqh (foundations of Sharia), textual and thematic comparative methods, contextual analysis, hermeneutic and theological comparative methods were applied. In addition, theological analysis, classification, categorization, description and synthesis methods were employed.

Scientific novelty of the Research.

- As a result of the attribution comparison of the treatise of Shakarim Kudaiberdyuly with the works of scientists Ali Zada, Maksut Hadi, known to the Islamic world, it turned out that some aspects of the book «The Book of the Muslim» are identical in sentence structures and words with these works.

- Religious and legal analyses conducted on «The Book of the Muslim» have led to findings that address highly relevant contemporary issues within Shakarim's work.

- Definition of the scientific genealogy of Shakarim Kudaiberdyuly, which lasted until the Prophet Muhammad (peace be upon him), with the study of the classification works of Islamic scholars in domestic foreign libraries.

- Based on the historical and textual comparison of manuscripts in domestic libraries, it was established that Shakarim Kudaiberdyuly's work «The Book of the Muslim» is called «The Muslim Contract», and the noble name «The Book of the Muslim» was determined.

- A comparison and analysis of the sharia legal judgments of «The Book of the Muslim» with the classical works of the Hanafi madhhab was made, and it turned out that Shakarim Kudaiberdyuly did not adhere to the Hanafi madhhab in some Fiqh judgments.

- In the work «The Book of the Muslim», based on the ijtiḥad of Shakarim Kudaiberdyuly or custom, it was established that when submitting patois in some modern issues, the Hanafi madhhab does not proceed from the principles of the al-Fiqh method (the basis of Sharia).

- The fact that Shakarim Kudaiberdyuly adheres to the methodology of the classics of Islam in proving the correctness of his convictions of matters of Khilafi (conflict).

- During the analysis of the sentencing methodology of Shakarim Kudaiberdyuly, it was revealed that Ibn Abidin (1836), Ramazan Efendi made Aqli (rational) and Naqli (based on the text of canonical works) Rudd (answer) to the judgments of world famous scientists.

Theoretical and Practical Significance of the Research. The theoretical conclusions and theological conclusions obtained as a result of this research work will help to present Shakarim Kudaiberdyuly, known to the world as a poet and writer, philosopher in a new light, namely as an Islamic scholar. The main conclusions and conclusions of the study can serve as a basis for detailed knowledge of the situation in the difficult times experienced by the Kazakh people in society, improving scientific research on the problems of national and religious consciousness, identity and religious situation. It is safe to say that it is of great importance in terms of the reason for unraveling the various contradictions that exist today in society regarding our religion.

We can say that in the fight against religious radicalism and extremism, which is now widespread in Central Asia, especially in Kazakhstan, the work of the Kazakh youth, which is consistent with our traditional religious worldview, which is resistant to the spread of radical groups, helps to identify the path that the Kazakh people have long followed.

The research will make a significant contribution to the revival of the centuries – old traditional religious worldview of the people's of Central Asia, including the Kazakh people, as well as serve as a source for scientific research aimed to studying the history, religion and mentality of the people's of Central Asia.

The conclusions and scientific results of the dissertation work can be used as material/source in educational institutions of secondary – professional and higher education in the specialties of the Islamic studies, religious studies (madrasas of the SAMK, universities) in scientific centers engaged in the study of religious teachings, in scientific institutes and centers working in the direction of prevention of religious radicalism and extremism.

Phases of the Research:

First Phase: The topic, objectives and direction of the scientific research were defined. Relevant academic literature, abstracts of works, and historical documents were read. Also, facts and other information about the life, creative work of the poet were found.

Second Phase: An autobiography of Shakarim Kudaiberdyuly was constructed, and an analysis of the religious situation in Kazakh society at the end of the 19th century and the beginning of the 20th century was conducted, investigating the prerequisites that influenced Shakarim's perspectives.

Third Phase: There were conducted a study of the Sharia with an analysis of its fiqh aspects according to Shakarim Kudaiberdyuly's work «The Book of the Muslim».

Key Results and Conclusions Proposed for Defense: The development of any state begins with the knowledge of its history and great people. Today, there are many citizens who have made a significant contribution to the formation of our country. Although their names are known to the country, there are still unexplored

facets. In particular, we can mention the Alash intelligentsia, who lived in the late XIX and early XX centuries. These personalities went through two epochs, that is, the Times of Russian Tsarist power and the Communist Party. Despite the fact that the Alash intelligentsia has been studied in detail, the religious identity of these people is not considered. Do they have religious works? Are they religiously literate? What kind of teachers did he receive training from? Follow the legal School? The school of faith that followed? For this reason, religious and Islamic studies should be carried out on the works of these people.

- Shakarim Kudaiberdyuly's «The Book of the Muslim» was composed in traditional scholarly approach that discusses Aqidah, Fiqh and Ihsan.

- The thematic and textual comparisons indicate similarities between his work and the writings of Ahmad Hadi Maksudi (1868-1941) titled «Ibadat al-Islamiyya», Shakirjan Hamidi Takui's «Ibadat al-Islamiyya», and Abdulqadir Qashqari's «Mukhtasar Ibadat al-Islamiyya».

- The Fiqh and Usul al-Fiqh rulings in «The Book of the Muslim» are written in accordance with the traditional teachings of Imam Abu Hanifa (d.767) and the aqidah of Imam Abu Mansur al-Maturidi (d.333).

- Shakarim Kudaiberdyuly deviates from the Hanafi mathhab in some rulings.

- In his work «The Book of the Muslim» Shakaraim specifically falls back on the opinions of prominent Hanafi scholars and recognized authorities and offers fullfledged support of his ideas with this or that reference.

- In addressing ikhtilafi (disputed) issues, Shakarim Kudaiberdyuly takes into account customs and societal context when making a tarjih (preference).

- The order of the fiqh topics presented in «The Muslim Contract» reflects similarities with other works.

- Shakarim Kudaiberdyuly's «The Book of the Muslim» serves as a fundamental factor in preserving the nomadic people from the Russian Imperial policy of Christianization.

- In addition, this is concrete work that allows to provide young people with classical religious studies and preparation, helping to boost the liberal tendencies in the understanding of the religion and various extremist tendencies.

Testing and Publication of Research Results:

- An essay on religious education, in its importance in the formation of the spiritual core of the nation, was presented on the scientific and practical conference, which was held on May 28, 2021 in the premises of Nur – Mubarak University, Egypt. The subject of the essay: The Foundation of Development of Religious Teaching by Shakarim Kudaiberdyuly.

- The primary results and conclusion of the dissertation have been published in a total of four scientific articles in domestic and foreign journals. Among these, one article is included in the Scopus database, two were presented at international conferences, and two were published in journals approved by the Committee for

the Control in education and Science of the Ministry of education and Science of Republic of Kazakhstan.

Scopus Database Publication:

- The article "The Influence of Shakarim Kudaiberdiev's Work on the Economic, Cultural, and Spiritual Development of Kazakhstan in the Late 19th Century and Early 20th Century" was published in the Journal Pharos Journal of Theology ISSN 2414-3324 Volume 105 Themed Issue 3 – (2024), which is part of the Scopus database.

List of articles published in scientific and educational journals recommended by the Higher Attestation Committee (HAC) of the Ministry of education and science of the Republic of Kazakhstan:

- Certificate in the journal of the Bulletin of Shakarim State University of Semey №13883-G in the history section, the article "the importance and reasons for writing the work of the "The Book of the Muslim" of Shakarim Kudaiberdyuly to the Kazakh people" was published.

- In the series of philosophy, cultural studies, political science of the Bulletin magazine of KAZNU №4(74). 2020(ISSN 1563-0307; eISSN 2617-5843) published an article «The Book of the Muslim» on the political and social development of the Kazakhs at the beginning of the 20th century.

- In the religious studies series of the Bulletin magazine of KAZNU №4(28). 2021 ISSN 2413-3558 eissn 2521-6465 published an article "linguistic and stylistic features of the work of Shakarim Kudaiberdyuly "The Book of the Muslim".

- Articles published at international scientific conferences:

- At the International Symposium in Turkey, an article was published entitled "The Book of the Muslim" by Shakarim Kudaiberdyuly.

The structure of dissertation: The dissertation consists of an introduction, three main chapters. The first and second chapters consists of three chapters, the third chapter consists of four chapters, the end of the dissertation consists of a conclusion, a list of used literature. The dissertation is 201 pages long.