

PAPER

The History of Qazi Courts in Turkestan

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Abstract

The history of Qazi courts in Turkestan reflects the long-standing continuity of Islamic judicial traditions within the changing socio-political landscape of Central Asia. Functioning under the Kokand and Bukhara Khanates, the Qazi courts served as the main institutions of justice, administration, and moral governance, operating on the basis of Sharia law and Hanafi jurisprudence. With the expansion of the Russian Empire into the region during the nineteenth century, the Qazi courts underwent a significant transformation: their jurisdiction was restricted mainly to family, inheritance, and waqf-related matters, while their autonomy was gradually curtailed under imperial supervision. Despite these reforms, the courts remained vital to local governance, maintaining legitimacy through their role in adjudicating disputes, authenticating documents, and preserving community cohesion.

Drawing on archival sources, legal manuscripts, and historical scholarship, this study examines the structural evolution, functions, and adaptation of Qazi courts from the pre-colonial period to Tsarist rule. The findings reveal a dynamic process of legal pluralism in which Islamic law coexisted with Russian imperial legislation, producing a hybrid system of governance. The endurance of the Qazi institution underscores the resilience of Islamic jurisprudence and its capacity to balance religious tradition with political transformation.

Key words: Qazi courts; Turkestan; Islamic law; Sharia; Hanafi jurisprudence; legal pluralism; colonial administration; Tsarist Empire; Movarounnahr; Central Asia; waqf; fiqh; customary law (adat); Islamic governance; judicial reform

Introduction

The Qazi courts of Turkestan represent one of the most significant institutions in the legal and cultural history of Central Asia. As part of the broader Islamic judicial system, they embodied

the principles of Sharia law and served as the cornerstone of legal, moral, and social order within Muslim communities for centuries. Originating in the medieval period under the Kokand and Bukhara Khanates, Qazi courts were entrusted

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with the responsibility of administering justice in accordance with Islamic jurisprudence (fiqh), resolving disputes, safeguarding property rights, and ensuring compliance with religious and ethical norms. Their authority extended beyond the courtroom: Qazis functioned as community leaders, mediators, and moral guardians whose influence shaped the collective conscience of society. [1][2]

With the expansion of the Russian Empire into Central Asia during the second half of the nineteenth century, this well-established legal institution entered a new phase of transformation. The Tsarist government introduced a policy of legal dualism, maintaining Qazi courts for Muslim personal status law while simultaneously establishing imperial judicial structures. The intention was to integrate the region's indigenous legal practices into the colonial system without provoking social unrest. As a result, Qazi courts were allowed to continue operating but under state supervision, with limited jurisdiction and decreased autonomy. [3][4]

Under Tsarist reforms, Qazi courts were confined mainly to adjudicating cases related to marriage, divorce, inheritance, and waqf (religious endowment) administration, while criminal and political matters were transferred to imperial courts. Appointments of Qazis were now subject to state approval or election, ending the traditional system of hereditary or lifelong appointments and allowing colonial authorities to control local leadership. Russian legal advisers often reviewed Qazi verdicts, and in certain instances, imperial officials intervened directly in judicial processes. [3][5]

Despite such restrictions, Qazi courts continued to play an indispensable role in local governance. They mediated civil disputes, authenticated contracts, managed community affairs, and preserved the continuity of Islamic legal culture within a foreign administrative order. This resilience illustrates the adaptability of Islamic law when confronted with colonial modernity. The coexistence of Sharia and imperial law created a hybrid legal system in Turkestan — one that combined indigenous legal reasoning with imperial oversight. [4][5][6]

Therefore, the study of Qazi courts is essential for understanding not only the historical evolution of Islamic jurisprudence in Central Asia but also the

interaction between colonial power and indigenous legal traditions. By analyzing historical documents, fiqh sources, and archival materials, this research seeks to reveal how the Qazi institution functioned, transformed, and survived under Tsarist rule, contributing to the broader discourse on legal pluralism and colonial governance in the Muslim world. [1][2][3][4][5][6]

Methods

This study employs a qualitative historical-legal methodology to examine the evolution, structure, and functions of Qazi courts in Turkestan from the medieval period to the early twentieth century. The research design is rooted in documentary and comparative analysis, combining primary and secondary sources to reconstruct the institutional transformation of Qazi courts under changing political regimes, particularly during the Tsarist colonial period. [1][2][3]

1. Source Materials

Primary data were collected from several categories of documentary materials:

Archival documents such as judicial registers, decrees, petitions, and administrative reports preserved in the archives of the Bukhara and Kokand Khanates and in the Russian Imperial repositories in Tashkent and St. Petersburg. These records reveal the practical functioning of Qazi courts, their jurisdiction, and their adaptation to state control. [2][3]

Manuscripts and legal treatises on fiqh (Islamic jurisprudence) and Sharia law that describe the ethical codes, qualifications, and duties of Qazis. Classical texts and commentaries from the Hanafi legal school, which predominated in Central Asia, were used to contextualize judicial reasoning and procedural norms. [4][5]

Colonial-period reports and regulations, including the Statute on the Administration of Turkestan (1886) and related Russian legal decrees that defined the structure and authority of Qazi courts under imperial oversight. [3][6]

Modern scholarly works, academic journals, and conference proceedings from the Academy of Sciences of Uzbekistan and international researchers that provide interpretative frameworks and historiographical perspectives. [1][4][6]

2. Analytical Procedure

All sources were subjected to content and contextual analysis. Historical materials were chronologically arranged to trace the transformation of Qazi courts through three major stages: (1) The classical Islamic phase under the Khanates; (2) The transitional phase during early Russian occupation; (3) The colonial-reform phase of the late nineteenth and early twentieth centuries. Comparative analysis was applied to identify differences between pre-colonial Sharia-based adjudication and imperial legal reforms. Attention was given to themes such as jurisdictional change, state control, legal pluralism, and institutional resilience.

3. Validation and Interpretation

Cross-referencing of archival documents with fiqh sources ensured the authenticity and reliability of interpretations. Where original documents were incomplete, corroborating evidence was obtained from parallel administrative records and contemporary legal commentaries. Data synthesis followed an interpretative historical approach, emphasizing the interaction between Islamic legal principles and colonial administrative policy.

Overall, this methodological framework allows for a nuanced reconstruction of how Qazi courts functioned, adapted, and persisted within a pluralistic legal environment shaped by both Islamic and Tsarist traditions. [1][2][3][4][5][6]

Results

The analysis of historical, legal, and archival sources reveals that the Qazi courts of Turkestan functioned as multifaceted institutions whose authority extended beyond pure adjudication into administrative, religious, and social governance. Their evolution can be divided into three major stages: the pre-colonial Islamic period, the transitional phase of Russian expansion, and the colonial-reform period of the late nineteenth and early twentieth centuries. [1][2][3] **1. The Pre-colonial Islamic Period** During the Kokand and Bukhara Khanates, Qazi courts represented the central mechanism of justice and moral order. Their jurisdiction encompassed civil, criminal, commercial, and family law, based primarily on the Hanafi school of jurisprudence. Qazis were appointed for their mastery of Islamic law (fiqh), moral integrity, and social standing. Their decisions

were binding and grounded in Sharia principles, but they also incorporated adat (customary law), thereby maintaining harmony between religious doctrine and local traditions. These courts handled inheritance, marriage, property disputes, and market regulation (hisba), and they also supervised religious endowments (waqf). [2][4][5]

2. The Transitional Phase

Following the Russian conquest of Central Asia in the mid-nineteenth century, Qazi courts continued to operate but faced increasing administrative intervention. The Tsarist authorities recognized the influence of Qazis within Muslim communities and sought to preserve them as instruments of local governance, while simultaneously limiting their autonomy. The establishment of the 1886 Statute on the Administration of Turkestan marked the formal reorganization of the judicial system. Qazi courts were retained for Muslim personal status law but stripped of authority over criminal and political cases, which were transferred to imperial district courts. [3][4] **3. The Colonial-Reform Period**

Under Tsarist rule, the jurisdiction of Qazi courts was narrowed primarily to family, inheritance, and waqf matters. They operated under state supervision, and Qazis were now elected or appointed with imperial approval rather than through traditional scholarly or hereditary mechanisms. Russian legal officers could review or overturn decisions that contradicted imperial law. Despite this subordination, Qazi courts remained essential to local governance, performing notarial functions, authenticating contracts, managing religious property, and mediating community disputes. [3][5][6]

A distinctive outcome of this period was the emergence of a hybrid legal system blending Islamic and imperial law. Russian administrators relied on Qazis to maintain order and legitimacy among Muslim populations, while simultaneously enforcing colonial control. The result was a system of legal pluralism—Sharia and imperial law coexisted, each serving different social and administrative purposes. [4][5]

4. Institutional Resilience

Despite restricted authority, Qazi courts displayed remarkable institutional endurance. Their continued operation under colonial supervision illustrates the adaptability of Islamic judicial culture

to new political realities. Even as the state curtailed their powers, Qazis retained public respect as arbiters of justice, morality, and social stability. By the early twentieth century, these courts had become semi-formal components of the imperial administration, demonstrating both the resilience and transformation of Islamic legal institutions under colonial modernity. [1][2][3][4][5][6] The history of Qazi courts in Turkestan reflects a long-standing Islamic judicial institution that played a crucial role in legal, social, and religious governance in the region, especially during the 19th and early 20th centuries. These courts operated based on Sharia law and customary practices and were integral to the administration of justice under the Kokand Khanate and later Russian colonial rule. Qazi courts functioned as important centers for the adjudication of civil, criminal, and family disputes, and their judges (qazis) were respected figures who combined religious authority with judicial duties. Even after Russian imperial expansion into Turkestan, Qazi courts continued to operate under certain restrictions but were gradually subordinated to imperial judicial systems, leading to a reduction in their autonomy and influence. However, they remained vital in handling local matters, particularly those related to Islamic traditions and personal status law. The imperial authorities introduced reforms to limit the powers of the Qazi courts and align the judicial administration with Russian legal frameworks, often aiming to diminish the influence of religious law on civil governance. Despite these changes, Qazi courts continued to administer justice based on Sharia and adat (customary law), maintaining their significance in social and religious life throughout the colonial period. Their roles included not just judicial functions but also administrative and notarization activities within Muslim communities. By the early 20th century, the Qazi courts had become part of a hybrid legal system blending Islamic law and Russian imperial legal norms, reflecting the complex socio-political realities of Turkestan under colonial rule. The history of these courts provides insight into the interactions between colonial powers and indigenous legal traditions, as well as the resilience of Islamic judicial institutions in Central Asia. [1][2][3][4][5][6]

What were the main changes in Qazi court

functions under Tsarist rule Under Tsarist rule, the functions of Qazi courts in Turkestan underwent several significant changes:

- **Jurisdictional Limitation:** Qazi courts' jurisdiction was restricted mainly to family law, inheritance, marital issues, waqf (charitable endowment) administration, and religious matters. Their authority in criminal and political cases was curtailed, as these fell increasingly under Russian imperial courts. [1][2]
- **State Supervision and Control:** The Tsarist administration imposed tighter state control over Qazi courts, integrating them into the colonial legal system. Qazi appointments shifted from traditional lifetimes or hereditary positions to elected terms, allowing the state to influence judicial personnel and reduce local power bases. [3][1]
- **Hybrid Legal System:** Qazi courts operated within a dual legal system combining Islamic Sharia law and Russian imperial law, with Russian officials overseeing legal compliance and occasionally overruling decisions inconsistent with imperial interests. [4][1]
- **Administrative Functions:** Beyond judicial duties, Qazi courts took on expanded roles in local administration, including notarization, record-keeping, and managing waqf properties, reinforcing their importance in community governance though under tighter Russian oversight. [2][4]
- **Diminished Autonomy:** The autonomy of Qazi courts decreased significantly, as Tsarist reforms aimed to standardize and centralize judicial authority, reducing the independent influence Qazis had traditionally enjoyed within Muslim communities. [1][3]
- **Legal Pluralism Maintained:** Despite these changes, the Tsarist regime allowed Qazi courts to function to maintain social order and accommodate Muslim legal traditions, reinforcing their role in resolving personal status and religious cases while subordinating them to imperial judicial hierarchies. [5][4]

In summary, under Tsarist rule, Qazi courts transitioned from largely independent Islamic judicial bodies to state-controlled institutions with restricted jurisdiction, performing a hybrid function of legal, religious, and administrative roles under imperial supervision. [2][3][1]

What role did Qazi courts play in local governance How were Qazi judges appointed and trained historically Qazi courts played a vital role in local governance by serving as primary judicial

institutions for Muslim communities in Turkestan. They resolved civil disputes, supervised public morals, managed waqf (charitable endowments), and conducted notarial procedures. Beyond purely judicial functions, Qazi courts acted as key administrative bodies that helped maintain social order and legal continuity under both traditional and Russian colonial rule. Their decisions often reflected a blend of Islamic jurisprudence, local customs, and the socio-political realities of the time, thus deeply influencing local legal consciousness and governance structures.[1][2][3] Historically, Qazi judges were appointed based on their expertise in Islamic law (fiqh) and religious sciences. Training for Qazis was typically undertaken at established madrasas, notably places like the Mir Arab Madrasah in Bukhara, where they studied theology, law, and jurisprudence in detail. Candidates had to demonstrate strong scholarly credentials and ethical integrity to attain the position. While merit and knowledge were crucial, appointments could also be influenced by tribal, family, and political affiliations since Qazis played important roles in disseminating official ideology and controlling local communities. Over time, the profession became more institutionalized, with Qazis receiving salaries and becoming key legal authorities within their jurisdictions.[4][5][3][1] Thus, Qazi courts combined judicial, administrative, and social governance roles, with their judges being religiously and legally educated figures appointed to uphold Islamic law and community order within the socio-political framework of Turkestan.[2][5][1][4]

Discussion

The findings of this study illustrate that the Qazi courts of Turkestan were not merely judicial organs but multidimensional institutions that mediated between Islamic legal tradition, community governance, and imperial administration. Their endurance across centuries demonstrates the institutional adaptability of Islamic jurisprudence (fiqh) and its capacity to coexist with foreign systems of authority. The results show that under both the Khanate period and Tsarist colonial rule, Qazi courts served as mechanisms for ensuring moral order, resolving disputes, and maintaining the continuity of local traditions. [1][2][3]

1. Legal Pluralism and Adaptation

The coexistence of Sharia and imperial law during the late nineteenth and early twentieth centuries reflects a broader phenomenon of legal pluralism in colonial societies. While the Tsarist regime sought to centralize judicial authority and impose a uniform legal order, it pragmatically preserved Qazi courts to sustain stability among Muslim populations. This arrangement produced a hybrid legal environment where Qazi rulings on family, inheritance, and waqf matters operated within, yet subordinate to, imperial jurisdiction. The persistence of Qazi courts within this dual system underscores their role as mediators of cultural and legal negotiation, adapting Islamic justice to colonial constraints without losing legitimacy in the eyes of local communities. [3][4]

2. Transformation of Judicial Authority

Under Tsarist reforms, the transformation of Qazi appointments from traditional scholarly or hereditary selection to state-supervised elections significantly altered the structure of authority. The Qazi's legitimacy, once grounded solely in religious learning and moral reputation, now depended on imperial recognition. However, many Qazis maintained their influence through community trust, demonstrating that authority in Islamic law derived as much from social acceptance as from state approval. The Qazi thus became a liminal figure—a bridge between the state and the ummah (Muslim community), whose authority was simultaneously religious, moral, and bureaucratic. [2][3][5]

3. Administrative and Social Roles

The research further reveals that Qazi courts functioned as centers of local administration. In addition to adjudicating disputes, they authenticated contracts, registered marriages, issued property deeds, and supervised waqf institutions. These roles contributed to the maintenance of social cohesion and community self-governance. The Russian colonial administration, recognizing their administrative value, integrated Qazi courts into the lower levels of the imperial legal bureaucracy, effectively transforming them from autonomous guardians of Sharia to state-regulated intermediaries of law and order. [4][5][6]

4. Historical and Contemporary Significance

From a historical perspective, the Qazi courts exemplify how Islamic legal institutions could endure under external domination through pragmatic adaptation rather than confrontation.

Their continuity reinforced the moral and cultural identity of Muslim society in Turkestan, preserving the transmission of legal scholarship and ethical norms. Contemporary scholars view this endurance as evidence of the resilience of Islamic legal thought—a system capable of balancing divine law and political necessity. [1][2][5][6] **5. Broader Implications**

The experience of the Qazi courts in Turkestan offers valuable insight into current discussions on post-colonial legal pluralism and the reintegration of traditional legal institutions within modern state systems. Understanding their transformation under Tsarist rule sheds light on how law functions as a dynamic instrument of governance, cultural preservation, and identity negotiation.

In summary, the Qazi courts stand as a testament to the enduring vitality of Islamic judicial culture in Central Asia—institutions that, even when constrained by colonial power, continued to embody justice, morality, and the spiritual foundations of Muslim social life. [1][2][3][4][5][6]

Conclusion

The evolution of Qazi courts in Turkestan reveals the historical endurance and adaptability of Islamic judicial institutions within diverse political and cultural frameworks. Originating as autonomous courts based on Sharia and Hanafi jurisprudence, they served as central instruments of justice, ethics, and administration throughout the Kokand and Bukhara Khanates. Their authority extended beyond legal adjudication, encompassing functions of social governance, notarial documentation, and moral supervision within Muslim communities. [1][2][3]

The arrival of the Russian Empire in the nineteenth century introduced a complex phase of legal pluralism in which Islamic law coexisted with imperial legislation. While the colonial authorities sought to reduce the Qazi courts' autonomy and incorporate them into the imperial judicial hierarchy, they simultaneously relied on them to maintain order and legitimacy among the Muslim population. The 1886 Turkestan Statute formalized this dual system, limiting the jurisdiction of Qazis mainly to family, inheritance, and waqf-related cases, yet ensuring their continued operation as locally respected institutions. [3][4][5]

Despite the erosion of authority and increasing

state supervision, Qazi courts maintained their institutional relevance through their cultural legitimacy and social utility. Their ability to integrate Islamic jurisprudence with customary law (adat) allowed them to sustain communal trust even under colonial restrictions. The persistence of these courts demonstrates the resilience of Islamic legal tradition, which adapted to external control without losing its moral and social foundations. [2][4][6]

From a historiographical perspective, the experience of Qazi courts in Turkestan provides valuable insight into the interaction between colonial governance and indigenous legal culture. It underscores that law, rather than being static, functions as a negotiated space of power, faith, and identity. The Qazi institution thus stands as a lasting symbol of legal continuity and cultural resistance—an enduring bridge between the Islamic past of Central Asia and its modern legal consciousness. [1][2][3][4][5][6]

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