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INTEGRATING SHARIA NORMS INTO THE LEGAL SYSTEM DURING THE MAMLUK-KIPCHAK ERA

Abstract

During the Mamluk-Kipchak period, the Mamluks' ascendancy in Egypt led to profound transformations in the medieval Islamic realm. Their dominion, spanning three centuries, saw them rise to sultans and exert significant influence over societal structures and legal principles by implementing the Islamic legal system. The primary objective of this scholarly investigation is to scrutinize the position of Sharia principles within the legal framework during the Mamluk-Kipchak period, alongside elucidating their societal function. The research also endeavors to elucidate the impact of the Hanafi madhhab on Sharia-related matters by concentrating on the legal dilemmas addressed in the text "Irshad al-Muluk wa-Salatīn". Furthermore, it aims to clarify how Sharia principles informed medieval legal structures and their relevance for modern Islamic legal studies. Various methodologies were employed, including normative-legal, empirical, comparative legal, theoretical, contextual, source-based, analytical, and selective techniques. The study involved an in-depth examination of the legal dimensions of the treatise "Irshad al-Muluk wa-Salatīn" and its role in the legal framework. The methodologies of Ijma' (consensus) and Qiyas (analogy) played pivotal roles in promulgating legal rulings, addressing public concerns, economic relations, and promoting social equity.

Keywords: Mamluk-Kipchaks, Sharia, legal system, Hanafi madhhab, fiqh, legal regulation, legal system.

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ИНТЕГРАЦИЯ НОРМ ШАРИАТА В ПРАВОВУЮ СИСТЕМУ В МАМЛЮКСКО-КЫПЧАКСКИЙ ПЕРИОД

Аннотация

В период мамлюкско-кипчакского эпохи возвышение мамлюков в Египте стало фактором, который привёл к глубоким преобразованиям в средневековом исламском мире. Их власть,

продолжавшаяся около трёх столетий, ознаменовалась переходом от статуса военной касты к положению султанов, что позволило им оказывать значительное влияние на общественные структуры, правовые институты и формирование норм поведения через внедрение исламской правовой системы. Основная цель данного исследования заключается в тщательном анализе места шариатских принципов в правовом механизме того времени, а также в выявлении их социальной функции. Дополнительное внимание уделяется влиянию ханафитского мазхаба на решение правовых вопросов, особенно на тех, что рассмотрены в трактате «Иршад ал-Мулук ва-Салатин». Кроме того, исследование направлено на то, чтобы показать, каким образом шариатские нормы определяли особенности средневековых правовых структур и насколько они актуальны для современной исламской юридической науки. Работа основывается на разнообразных методах – нормативно-правовом, эмпирическом, сравнительном, теоретическом, контекстуальном и аналитическом. Особое место занимают такие инструменты исламской юриспруденции, как ижма (консенсус) и кияс (аналогия), сыгравшие важную роль в вынесении правовых решений, урегулировании общественных и экономических вопросов, а также укреплении социальной справедливости.

Ключевые слова: мамлюки-кыпчаки, шариат, правовая система, ханафитский мазхаб, фикх, правовое регулирование, юриспруденция.

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МӘМЛҮК-ҚЫПШАҚ ДӘУІРІНДЕ ШАРИҒАТ НОРМАЛАРЫН ҚҰҚЫҚТЫҚ ЖҮЙЕГЕ ИНТЕГРАЦИЯЛАУ

Аңдатпа

Мәмлүк–қыпшақ кезеңінде Мысырда билік басына келген мәмліктердің өрлеуі ортағасырлық ислам кеңістігінде терең саяси әрі құқықтық өзгерістерге себеп болды. Үш ғасырға жуық уақытқа созылған олардың үстемдігі барысында мәмліктер сұлтандық мәртебеге көтеріліп, шариғатқа негізделген құқықтық жүйені мемлекеттік деңгейде орнықтыру арқылы қоғамның әлеуметтік құрылымына, басқару тетіктеріне және құқықтық қағидаттарына айтарлықтай ықпал етті. Осы зерттеудің басты мақсаты – аталған дәуірдегі құқықтық жүйеде шариғат нормаларының алатын орнын кеңінен ашып көрсету, олардың қоғамдық қатынастарды реттеудегі қызметін айқындау. Сонымен бірге «Иршад ал-Мулук ва-Салатин» атты трактатта көтерілген құқықтық мәселелерді талдай отырып, шариғаттық істерде ханафи мәзһабының ықпалын көрсету көзделеді. Зерттеу жұмысы шариғат қағидаттарының ортағасырлық құқықтық құрылымдарды қалыптастырудағы тарихи рөлін, сондай-ақ қазіргі ислам құқықтануындағы өзектілігін түсіндіруге бағытталған. Бұл мақсатта нормалық-құқықтық, салыстырмалы, контекстуалдық, эмпирикалық, теориялық, дереккөздік және талдамалық әдістер кешенді түрде қолданылды. «Иршад ал-Мулук ва-Салатин» шығармасының құқықтық мазмұны жан-жақты сараланып, онда пайдаланылған ижма (келісім) мен кияс (аналогия) тәсілдерінің үкім шығару, қоғамдық мәселелерді реттеу, экономикалық қатынастарды үйлестіру және әлеуметтік әділдікті қамтамасыз етудегі шешуші орны ерекше атап өтілді.

Түйін сөздер: мәмлүк-қыпшақтар, шариғат, құқықтық жүйе, ханафи мәзһабы, фикх, құқықтық реттеу, юриспруденция.

Introduction

The incorporation of Islam by the Turkic populations and the establishment of the Islamic legal framework engendered profound transformations within the medieval Islamic realm. This phenomenon was distinctly observable during the Mamluk-Kipchak epoch, a period characterized by the Mamluks' dominion over Egypt for a duration of three centuries. The Mamluks, who ascended to the status of sultans via their pursuit of autonomy, exerted considerable influence over the development of societal structures and legal principles within the nation by implementing the Islamic legal system. The robust affiliations between the Mamluks and the Golden Horde, coupled with their mutual religious tenets, facilitated the endorsement of the Hanafi madhhab of Islamic jurisprudence. Crucial elements substantiating this historical context encompass the progressive alterations in the religious and legal frameworks ensuing the Mamluks' rise to prominence [1].

The Mamluk sultans who presided over Egypt actively endorsed the Hanafi madhhab and extensively implemented the legal principles of Sharia. Prior to the ascendance of the Mamluks, Egypt was governed by the Fatimid dynasty, which adhered to the Shia tradition. Nonetheless, with the Mamluks' accession to power, comprehensive interactions with the territories of the Kipchaks were established, leading to a significant proliferation of the Hanafi madhhab's influence within Egypt. Consequently, the legal framework of the Hanafi madhhab began to assert its position not merely as a religious doctrine but also as a foundational component of the state's legal apparatus. The Mamluk sultans' patronage of religious scholarship and their pervasive enforcement of Sharia legal precepts were manifested across all dimensions of state affairs. A salient illustration of this is the composition of the treatise "Irshad al-Muluk wa-Salatīn," which serves as an invaluable resource elucidating the role of Sharia norms and the Hanafi madhhab within the realms of state administration, legislative processes, and judicial adjudications [2].

The establishment of the Mamluk state apparatus and its historical trajectory significantly impacted the evolution of Islamic jurisprudence. In particular, the codification of Islamic law adhering to the Hanafi madhhab facilitated the governance of Egypt's socio-political framework through the legal precepts of Sharia. This legal framework was principally designed to actualize the Islamic tenets of justice and equity. The Mamluk sultans' interpretation of this legal framework underscores their aspiration to thoroughly assimilate the Sharia legal system within the state's governance [3]. Moreover, within the Mamluk-Kipchak legal framework, the methodologies and protocols for rendering judgments in accordance with Sharia law hold a pivotal significance.

The role of Sharia legal principles within the overarching legal framework and the methodologies employed for the issuance of legal rulings were delineated in alignment with the doctrinal traditions of the Hanafi madhhab. The establishment and proliferation of the Hanafi madhhab, particularly within the context of Egypt as the operational legal framework, were distinctly illustrated through the enactment of Islamic legal rulings. With the rise of the Mamluks, all Sharia norms and regulations commenced to assume considerable significance not merely within the realm of religious affairs but also within the structure of state governance. In this regard, the treatise "Irshad al-Muluk wa-Salatīn" functioned as a comprehensive guide elucidating the legal tenets of the Hanafi madhhab. Through this scholarly work, sovereigns and bureaucrats endeavored to actualize the requisite Sharia rulings, legal precepts, and principles of social justice [4].

The primary objective of this scholarly investigation is to scrutinize the position of Sharia principles within the legal framework during the Mamluk-Kipchak period, alongside elucidating their societal function. Furthermore, by concentrating on the legal dilemmas addressed in the text "Irshad al-Muluk wa-Salatīn," this research endeavors to elucidate the impact of the Hanafi madhhab on Sharia-related matters. It is imperative to underscore the interconnection between the legal framework and Sharia principles, as well as the manner in which they interact and are operationalized within society. The article delves into the tenets of the Hanafi madhhab in the formulation of legal decisions, the consonance of Sharia with state legislation, and its assimilation within the overarching legal system [5].

Through a comprehensive examination of the evolution of the Islamic legal framework during the Mamluk-Kipchak epoch and the substantial impact of the Hanafi madhhab, this inquiry endeavors to elucidate not merely historical concerns but also pertinent legal inquiries. Moreover, this research facilitates the derivation of conclusions pertaining to the position of Sharia within the legal apparatus of the Mamluk state and its ramifications for modern legal frameworks. Consequently, the analysis of the function of Sharia norms within the legal structure and the methodologies for rendering legal rulings contributes to an enriched comprehension of the advancement of Islamic jurisprudence during the Mamluk-Kipchak period [6].

The manuscript entitled "Irshad al-Muluk wa-Salatīn" ("A Guide for Kings and Sultans," 1387) constitutes a significant religious and legal text composed in the Turkic-Kipchak language. The primary focus of this scholarly work encompasses the Sharia provisions associated with the Hanafi madhhab, and it has been rendered from Arabic into Turkic-Kipchak. Although definitive details regarding the authorship of the original manuscript remain elusive, scholarly investigations suggest that the text was produced under the auspices of the renowned Egyptian sovereign, Ali Mirza. Historical records denote that the completion of this work transpired in the year 1387 (corresponding to 789 in the Hijri calendar, specifically the 20th of Shawwal) [7].

The rare manuscript of this text was transcribed by Berke Fakih, the individual credited with composing the poem "Khusrau and Shirin" attributed to Qutb, and it is presently housed in the Süleymaniye Library located in Istanbul, Turkey. The religious dimensions of this text are strategically oriented towards the promotion of the legal principles of the Hanafi madhhab, while simultaneously delineating the Sharia stipulations and methodologies pertinent to the issuance of rulings directed at monarchs and sultans [8].

The examination of the Islamic legal framework and Sharia principles during the Mamluk-Kipchak period significantly enhances comprehension of the importance of this scholarly work. The legal principles and Sharia decisions delineated within it embody authentic religious obligations and methodological frameworks for governance. Additionally, the manuscript "Irshad al-Muluk wa-Salatīn" represents one of the seminal texts that shaped the development of the legal system in that historical context. It is evident that the legal framework articulated in this manuscript is not solely predicated on religious decrees but is also intricately associated with the legal principles of the Hanafi madhhab [9].

Methodology

In the course of the investigation, written materials in the Mamluk-Kipchak language were scrutinized employing various methodologies, including normative-legal, empirical, comparative legal, theoretical, contextual, source-based, analytical, and selective techniques, among others. The objective of the study is to perform an in-depth examination of the legal dimensions of the aforementioned work and to explore the significance and impact of Sharia norms within the legal framework. Specifically, the research is directed towards analyzing the legal foundations of the Hanafi madhhab, the methodologies employed for issuing legal rulings during that period, and ascertaining the role of Sharia in the legal architecture of the Muslim community.

Normative-Legal Analysis. The method of normative-legal analysis has assumed a pivotal function in the examination of Sharia law. This analytical approach facilitated the exploration of the fundamental norms and principles inherent in Sharia within the framework of the legal system. Through a comparative analysis of the legal norms articulated in Irshad al-Muluk wa-Salatīn alongside Sharia principles, the research sought to elucidate their respective positions and interrelations within the legal system. Particular emphasis was placed on the legal foundations underpinning the Hanafi madhhab and the distinctive characteristics of its adjudicatory methodology.

Comparative Legal Analysis. In the examination of Islamic legal doctrines during the Mamluk-Kipchak period, the comparative analysis of these matters with other Islamic polities holds significant scholarly value. As an integral component of the research methodology, the manuscript Irshad al-Muluk wa-Salatīn, the Qur'an, Hadith literature, Arabic religious texts, and secular legal frameworks

alongside Sharia adjudications will be utilized. Furthermore, the verbatim translation of the manuscript in the Kipchak dialect, in conjunction with the seminal works and findings of both domestic and international scholars, constitutes vital resources for the inquiry. All these materials will undergo a thorough comparative analysis and scholarly scrutiny. The methodology of comparative legal analysis seeks to juxtapose legal frameworks across Islamic states such as Otrar, Baghdad, and Cairo, with the objective of elucidating the impact of Sharia law. Specifically, the investigation will concentrate on the manner in which Sharia was operationalized within the Hanafi madhhab and its interrelation with indigenous legal systems. This methodological approach will facilitate the identification of how legal principles were assimilated and enacted across diverse national and state contexts.

Theoretical Analysis. Theoretical examination was utilized to ascertain the position and function of Sharia within the legal framework. This approach emphasized the investigation of the theoretical underpinnings of Sharia jurisprudence. The theoretical underpinnings of the Hanafi madhhab's legal architecture and methodologies for rendering legal opinions, alongside the importance and function of Sharia within the legal framework, were scrutinized.

Contextual Analysis. Contextual analysis provides a comprehensive framework for examining the role of Sharia within the legal system, extending beyond mere legal considerations to encompass cultural, historical, and social dimensions. This analytical approach aids in elucidating the interconnections between Sharia, local legal frameworks, cultural practices, and traditional norms. The integration of Sharia into the legal framework during the Mamluk-Kipchak period, along with its significance within the Muslim community, was explored through a contextual lens.

Source Criticism. The technique of source criticism was employed to examine historical and legal texts, including the treatise *Irshad al-Muluk wa-Salatīn*. This technique entailed an examination of written artifacts to ascertain the historical context of the data, the author's viewpoint, and pertinent influences associated with the research subject. Furthermore, through the source-oriented analysis of historical data and legal documents, accurate information regarding the adoption and implementation of Sharia norms was acquired.

Materials

The central material for this study is the manuscript entitled "*Irshad al-Muluk wa-Salatīn*" ("A Guide for Kings and Sultans," 1387), a significant religious and legal text originally composed in the Turkic-Kipchak language and later rendered from Arabic into Turkic-Kipchak. This manuscript, which is housed in the Süleymaniye Library in Istanbul, focuses on Sharia provisions associated with the Hanafi madhhab and delineates Sharia stipulations and methodologies for rulers. The research also utilized the Qur'an and Hadith literature as paramount sources for deriving legal judgments within the Mamluk-Kipchak framework. Other materials include Arabic religious texts, secular legal frameworks, and Sharia adjudications. The study also incorporated the verbatim translation of the manuscript in the Kipchak dialect, alongside seminal works and findings from both domestic and international scholars, to facilitate a comprehensive understanding of the legal stipulations and Sharia directives.

Results

Methods of Issuing Rulings in Islamic Law during the Mamluk-Kipchak Period. The methodologies employed for the issuance of legal rulings within the framework of Islamic jurisprudence during the Mamluk-Kipchak era evolved in alignment with the prevailing socio-political milieu, with the objective of enhancing the efficacy of the legal system during that historical epoch. Subsequent to the Mamluk state's adoption of Islam, a diverse array of strategies was implemented to incorporate Sharia law into their administrative framework. These strategies facilitated the articulation of the foundational tenets of Islamic law and its associated ruling mechanisms.

1. Issuing Rulings Based on Sharia. Within the Mamluk state, the precedence of Sharia law was emphasized as the endorsement of Sharia reinforced the Mamluk-Kipchak governance and augmented the significance of religious legal principles in societal dynamics. During this epoch, the methodologies for formulating rulings grounded in Sharia were ascertained from three principal sources: the Qur'an, Hadiths, and Ijma' (consensus of scholars). Each ruling was predicated upon these three fundamental sources; however, these rulings were also tailored to align with the local legal framework and prevailing social contexts [10].

2. Application of the Qur'an and Hadiths. Within the Mamluk-Kipchak governing framework, the Qur'an and Hadiths constituted the paramount sources for the derivation of legal judgments. Each legal decision was formulated in accordance with the verses of the Qur'an, supplemented by the Hadiths as complementary references. Furthermore, the interpretations and consensus of scholarly authorities (Ijma') were instrumental in the formulation of these legal judgments. Such legal determinations were particularly essential for the regulation of public law, the resolution of interpersonal conflicts, and the preservation of social order [11].

3. Ijma and Qiyas Methods. During the Mamluk-Kipchak epoch, the methodology of Ijma (consensus) assumed a pivotal role in the promulgation of legal rulings. Ijma denotes the consensus attained by Sharia scholars regarding a particular issue, embodying a collective accord. Such rulings were predominantly employed to address matters of public concern, economic relations, and to promote social equity. Furthermore, Qiyas (analogy) – the approach of formulating rulings based on antecedent decisions applicable to analogous cases – was extensively utilized. In other terms, novel rulings were derived from preceding decisions, tailoring them to correspond with similar contexts. This methodology possessed considerable significance within the legal framework of that era [12].

4. Practical Considerations of Juridical Inquiries and Verdicts. Within the Mamluk-Kipchak jurisprudential framework, adjudications were predicated not solely on theological decrees, but also encompassed pragmatic legal dilemmas encountered in quotidian existence. For instance, conflicts pertaining to property rights, familial dynamics, criminal offenses, and modalities of punishment were adjudicated in accordance with Sharia principles, with the objective of sustaining the legal equilibrium of the Islamic community. Such adjudications facilitated the conservation of the fundamental tenets and standards of Sharia [13].

5. Social Conditions in the Issuance of Rulings. The methodologies employed in the issuance of rulings throughout the Mamluk-Kipchak epoch frequently underwent modifications contingent upon the prevailing social and political milieu. A myriad of ethnic and cultural factions within Egypt, along with the overarching political landscape, significantly shaped the acceptance of these rulings. In this context, the Mamluk sovereigns opted to issue rulings that were not solely predicated on Sharia jurisprudence, but also considered the sociocultural and economic circumstances. This approach facilitated the manifestation of Islamic law's commitment to social justice and equity [14].

6. Influence of the Hanafi School. It is crucial to acknowledge that the Hanafi jurisprudential tradition exerted a profound influence within the Mamluk polity. The legal framework of this school predominantly emphasized the issuance of legal rulings through the lenses of compassion and equity. Scholars of the Hanafi tradition extensively implemented their doctrinal principles when adjudicating cases during this historical epoch. Furthermore, by adeptly harnessing the theological knowledge of the Mamluks in conjunction with the foundational tenets of the Hanafi school, a successful amalgamation of indigenous legal frameworks and Sharia was accomplished [15].

When rendering a judicial decision on any issue in accordance with Sharia, it is imperative to prioritize the consultation of primary religious texts. These foundational sources encompass the Qur'an, Sunnah, Ijma (the consensus achieved by Muslim scholars following the demise of the Prophet Muhammad (peace be upon him) regarding a specific matter), and Qiyas (the methodological analogy). The literal interpretation of Qiyas is "to measure, compare, or equate." Within the framework of Fiqh methodology, Qiyas pertains to the process of juxtaposing a circumstance devoid of an explicit ruling in the Qur'an or Hadith with a comparable scenario delineated in these texts, subsequently rendering a legal decision grounded in that comparison [16].

If a legal determination cannot be located within these primary sources, supplementary mechanisms for rendering rulings are employed. These mechanisms encompass Istihsan (the preferential selection of a superior ruling), customary practices, the pronouncements of the Companions, Sadd al-Dhara'i (the prevention of deleterious consequences), and Shar'u man qablana (the formulation of novel rulings through analogous reasoning in alignment with Sharia). Nevertheless, one of the most pivotal principles is Masalih al-Mursala (the enactment of actions that yield advantages for the general populace), which is deemed applicable to alleviate the hardships experienced by individuals in their daily lives. This principle encompasses actions that may not have been expressly mandated by Sharia but are advantageous to society and contribute to the overall welfare of humanity [17].

The endorsement of the Abu Hanifa madhhab by the Mamluk-Crimean rulers arose from their aspiration to uphold justice and equity within their Islamic legal framework. In the process of rendering rulings, the judges conformed to the Hanafi legal standards and conducted proceedings based on these foundational principles. The defining characteristic of the Hanafi judicial system resides in its reliance on evidence-based determinations, meticulous analysis, and the application of rational discourse in the rulings. Consequently, the judges within the Mamluk-Crimean society endeavored to sustain legal order and implement Sharia rulings through the application of Hanafi legal doctrines [18].

This procedural dynamic illustrated the intrinsic connection between Sharia and legal norms. The impact of the Hanafi madhhab was manifest not solely within the Mamluk state but also across other Arab territories, including Egypt and Syria. By implementing Hanafi legal provisions, judges and rulers preserved the essential tenets of Sharia and established the legal framework of their respective societies [19].

Throughout the Mamluk-Crimean epoch, Sharia norms exerted a profound influence on the legal system, especially in domains such as taxation, property rights, and criminal jurisprudence. The legal codes and frameworks of the Mamluk state were meticulously organized in accordance with Sharia stipulations, governing legal relationships within the Muslim community..

The function of Sharia within the tax framework held paramount significance in facilitating the equitable distribution and collection of taxes, notably zakat and kharaj. Throughout the Mamluk-Crimean epoch, stringent supervision of the enforcement of these taxes was instrumental in ensuring adherence to Sharia stipulations. Moreover, Sharia's delineation of property rights was unequivocal, encompassing entitlements and responsibilities pertaining to land and property, in addition to succession laws, all of which were grounded in Sharia tenets [20].

Matters relating to crime and punishment were similarly rooted in the Sharia legal framework, thereby ensuring order and equity within the societal structure. In the context of the Mamluk-Crimean period, Sharia decrees concerning individuals who transgressed the law, including punitive measures and financial penalties, were executed in accordance with established legal protocols and Sharia mandates [21]. This legal apparatus was pivotal in safeguarding individual rights and upholding justice. Undoubtedly, all these procedures were conducted in alignment with the legal doctrines of the Hanafi school, as the predominance of the Hanafi madhhab was markedly pronounced during the Mamluk-Crimean epoch.

The legal standards and principles elucidated in the text *Irshad al-Muluk wa al-Salatīn* are examined to comprehend the application of Sharia within the legal framework. This text provides insights into the underpinnings of Islamic jurisprudence during the Mamluk-Crimean period and the ramifications of Sharia on the legal constructs of Islamic society. The composition comprises 29 books, 56 chapters, 93 sections, and 49 religious matters. Each book encompasses multiple chapters, each of which is further divided into various sections. Following the invocation of praise to Allah and the sending of blessings upon the Prophet, the initial 62 issues pertaining to faith are discussed, subsequently leading to the core segments of the text. For instance: the Book of Purification (4 chapters, 10 sections); the Book of Prayer (19 chapters, 15 sections); the Book of Zakat (7 chapters, 5 sections); the Book of Fasting (1 chapter, 5 sections); the Book of Hajj (10 chapters, 18 sections);

the Book of Oaths (1 chapter, 10 sections); the Book of Emancipation (2 chapters, 1 section); the Book of Intoxicants; the Book of Hunting; the Book of Sacrifice, among others. Consequently, each book, comprising several chapters and sections, elaborates on religious matters such as obligatory acts, duties, Sunnah, mustahabb (recommended), adab (etiquettes), and makruh (discouraged) practices [22].

The Sharia rulings and legal principles delineated within the manuscript predominantly derive from the Sharia laws of the Hanafi madhhab. Particular emphasis is placed on the methodologies employed in the issuance of rulings, as well as the interplay and impact of Islamic legal norms upon indigenous traditional legal frameworks. The legal apparatus during the Mamluk-Crimean epoch was fundamentally rooted in Sharia; concurrently, a symbiotic relationship was cultivated among state authority, legislative norms, and Islamic legal precepts [23].

The interplay between the legal framework and Sharia throughout the Mamluk period is distinguished by the application of fiqh norms, especially in domains such as family law, property rights, and inheritance. Within the Mamluk state, particularly during the Kipchak era, the integration of Sharia norms into the legal framework was instrumental in the establishment of legal order. During this epoch, the foundational doctrines of Sharia and the role of fiqh within the legal architecture of Muslim society were elucidated. This legal system maintained a close association with customs, religious values, and norms, wherein the application of Hanafi madhhab principles also assumed a pivotal role.

Throughout the Mamluk period, the impact of Sharia on the legal system was evident in the meticulous execution of Sharia rulings and fiqh norms. Family law, property rights, and inheritance matters were of paramount significance within Muslim society. For instance, in matters of family law, the rights of women, marriage, child-rearing, and inheritance rights were governed in accordance with Sharia law. In the legal framework of the Mamluk period, inheritance matters were prevalent, and the definitions and rulings emanating from Sharia concerning these issues were enforced. Furthermore, the interaction between local legal norms and Sharia was substantial, as Sharia and secular laws were frequently applied concurrently across various issues [24].

In conjunction with the evolution of the legal framework and the integration of Sharia principles, legal adjudications and determinations pertaining to fiqh were executed by numerous jurists and scholars throughout the Mamluk epoch. Notably, the impact of Sharia on diverse legal interactions within Muslim society was profound, and such a framework facilitated the efficacious realization of the doctrinal underpinnings of Islam.

The Role of Sharia During the Mamluk-Kipchak Period:

- Sharia was extensively implemented as a normative legal framework, exerting a significant influence across all strata of the legal system, especially within the judiciary. During this period, Sharia principles served not merely as a legal foundation for the regulation of religious order and ethical standards but also encompassed all dimensions of public and state affairs. Judicial decisions were predicated upon Sharia law, with a pronounced emphasis on the preservation of justice [25].

Islamic jurists classified the content of the Islamic legal code into the following key areas:

1. Regulations and standards pertaining to the veneration of Allah: The objective of this domain is to facilitate the spiritual advancement of the individual and the enhancement of ethical attributes. The aim of this segment of the legal framework is to cultivate the individual's cognizance of their obligations towards the Creator and to comprehensively grasp that they will be subject to accountability on the Day of Judgment. This heightened awareness serves to steer the individual's conduct, and owing to the foundation of faith, there exists no necessity for external oversight or regulation by the state apparatus. The individual is motivated to adhere to the laws voluntarily and with conscious intent.

2. Islamic family law: This domain of Islamic jurisprudence occupies a paramount position within the Sharia framework. Islam transcends all ethnic, national, territorial, and linguistic affiliations. It encompasses all constituents of the Muslim ummah—extending beyond men to include

the universal entitlements and responsibilities of women, which are safeguarded. The family constitutes the bedrock of this universal fraternity. A robust and stable family institution ensures the cohesion and fortitude of the community. Consequently, Sharia accords significant consideration to the protection of the family institution, with the support of familial structures representing one of its five principal objectives. Islamic family law addresses matters pertaining to marriage, the rights and obligations of spouses, the dynamics between parents and offspring, inheritance, testamentary provisions, and guardianship concerns [26].

3. In the context of Islamic jurisprudence, civil law, or the concept of *fiqh*, assumes a pivotal function in the regulation of contractual agreements and interpersonal relationships. These legal matters encompass a broad spectrum of Islamic legal principles, representing significant domains such as contractual obligations, property rights, ownership, the transfer of private property, and various financial transactions. This domain of public relations not only encompasses civil law but also extends to encompass commercial and financial entitlements. The field of Islamic administrative and constitutional law holds particular importance as well. This discipline addresses the processes of state formation, the structure of governance, its diverse organs and institutions, alongside the interrelations among them. As noted by Islamic legal scholars, in contrast to other legal, political, and constitutional frameworks, Islamic law is characterized by its supremacy over the state, asserting its precedence above all governmental authority.

4. Islamic criminal law: This domain of Islamic jurisprudence pertains to the notions of criminality and retribution, underscoring the significant role of ethical principles in their evaluation. In the context of Islam, offenses are classified into two principal categories:

- 1) Crimes for which penalties are prescribed by Sharia.
- 2) Crimes for which no penalties are prescribed by Sharia.

This specific domain of Islamic jurisprudence is predominantly concerned with the protection of human life, dignity, personal property, and individual liberty [27].

5. Islamic Procedural Law: This particular domain of legal study delineates the function of the judiciary within Islamic society and the procedural underpinnings requisite for the governance of courts. Islamic legal scholars were pioneers in the compilation of distinct treatises concerning procedural law within the historical context of legal theory and jurisprudence. The inaugural scholar to author seminal works on procedural law was Imam Abu Yusuf, a disciple of Imam Abu Hanifa.

6. Islamic International Law: Islamic international law represents a significant accomplishment within the domain of Islamic jurisprudence. The inaugural scholarly contributions to this discipline emerged during the second century of the Hijra, notably in the 8th century CE.

7. Rules defining the social behavior of Muslims: This segment of the legal framework governs the conduct, customs, and engagements of Muslims within the public sphere. It encompasses regulations pertaining to dietary practices, sexual relationships, attire, and various other social norms [28].

- The legal principles articulated in *Irshad al-Muluk wa al-Salatin* are fundamentally grounded in Sharia. This scholarly work meticulously delineates the core tenets of Islamic jurisprudence and the methodologies employed in the issuance of legal rulings. The contents of this text indicate that Sharia norms function as the primary mechanism for the maintenance of legal order within both state governance and societal interactions. Furthermore, the prominence of the Hanafi madhhab is discernible, given its widespread adoption within the Mamluk-Qipchaq polity, where it significantly influenced the realm of public law. The implementation of Sharia within the legal framework is particularly accentuated in these texts, which were specifically composed to serve as authoritative guidelines for sultans and monarchs.

Discussion

The Role of Sharia in the Legal System: The legal framework during the Mamluk-Qipchaq epoch was fundamentally founded upon Sharia principles, which governed the legal interactions among diverse social factions within the community. In this framework, the core tenets of Sharia, encompassing justice and the safeguarding of human rights and freedoms, were distinctly manifested.

A considerable portion of the legal regulations throughout the Mamluk-Qipchaq epoch was predicated upon Islamic fiqh doctrines and Sharia, which were intrinsically designed to promote tranquility, equity, and public order within society.

The scholarly work *Irsad al-Muluk wa al-Salatin* offers profound insights into the significance of Sharia within the legal apparatus. Through this text, it is unequivocally illustrated how fiqh doctrines and Sharia principles were assimilated into the legal frameworks of the state. Notably, the legal decisions and regulations of the Hanafi school are prominently reflected in this oeuvre, as, during the Mamluk era, the religious-legal concepts and stipulations of the time were extensively integrated into the legal system [9].

In the traditional conception of law, law is delineated as a corpus of norms instituted or endorsed by the state that governs societal relations. Nevertheless, within the Islamic legal paradigm, this characterization of law diverges, as Islamic laws possess an autonomous authority, independent of state or secular dominion. Islamic laws are rooted in the essential principles derived from the Qur'an and Sunnah, and these principles govern all legal interactions within society. Moreover, the enactment and evolution of Islamic laws transpire devoid of state intervention or political pressures, relying solely on the inquiries conducted by autonomous legal scholars.

Islamic jurist endeavors to ascertain the specific legal stipulations pertinent to each distinct issue and strives to broaden their scope. In this endeavor, the law is not merely employed to adjudicate a matter but is also rigorously examined and developed. This scholarly activity is exclusively grounded in the personal interpretations and convictions of independent legal scholars, rather than being shaped by governmental directives or political authority. Nevertheless, various Muslim governments endeavor to exert control over legal matters to fortify their own power.

Islamic law is traditionally divided into two main categories:

- 1) The rights of Allah
- 2) The rights of the individual

There exist circumstances wherein one of these classifications may assume a position of greater importance than the other. The rights attributed to Allah pertain to entitlements that do not concern the welfare of individual persons, but serve exclusively to fulfill the divine mandates established by Allah. For instance, Sharia law explicitly forbids the consumption of alcoholic substances. This prohibition is deemed to safeguard the rights of Allah, as its infringement is not associated with the interests of individuals, but rather signifies a failure to adhere to Allah's injunction.

Conversely, acts such as theft are likewise deemed unlawful; however, in this context, the infringement of rights is recognized as a transgression against an individual's entitlements. In instances where a conflict arises between these two classifications, the rights of the individual are prioritized, allowing for a potential compromise on the rights of Allah. For instance, an individual may be authorized to consume alcohol in the dire circumstances of extreme hunger or thirst in order to preserve their life.

The importance of distinguishing between these rights is articulated as follows: whenever an individual's rights are transgressed, it becomes imperative that they be defended by the individual themselves rather than through state intervention. Consequently, the aggrieved party reserves the right to initiate legal proceedings against the perpetrator or to extend forgiveness. Moreover, even in cases where the heirs of the aggrieved party opt to pursue legal recourse against the offender, they maintain the prerogative to grant forgiveness at any juncture prior to the execution of a judicial verdict.

Concept of Judicial Justice. In the Qur'an and various hadiths, there exist significant proclamations pertaining to the concept of judicial justice. The establishment of a judicial framework within Sharia, derived from the actions and counsel of the Prophet, is evidenced. Although it is articulated that there are considerable distinctions between Sharia and judicial justice, determinations grounded in genuine justice underscore the intrinsic relationship that exists between these two notions. Judicial bodies and other governmental entities are urged not to execute unjust judicial procedures predicated solely on unsubstantiated claims and unverifiable data, but rather to conduct comprehensive investigations and assessments of evidence.

Nevertheless, given that individuals will be held accountable for their actions on the Day of Judgment, it becomes imperative to uphold the tenets of justice. This assertion is substantiated by the Prophet's declaration that when resolving disputes, one party may possess greater eloquence, persuasiveness, and authority than the counterpart. This scenario is inherently subjective and may unduly influence a ruling in favor of one side. However, such an occurrence does not inherently imply that a decision of objective accuracy has been rendered. At this juncture, the Prophet counseled his adherents that, even if the ruling is favorable, they should renounce the claim, as personal assets acquired through misleading information may result in punishment on the Day of Judgment.

Moreover, it is essential to recognize that there exists a superior dimension of justice and judicial equity. This elevated standard is referred to as "Iskhana," which connotes benevolence, compassion, or virtuous conduct. Sharia enjoins Muslims, even when it contradicts their self-interests, to forfeit their resources for the benefit of others.

The Relationship Between Sharia and State Law. During the Mamluk-Qipchaq epoch, Sharia constituted the pivotal instrument within the legal framework and exerted a significant influence on the amalgamation of the legal and political architectures of the state. The utilization of Sharia as the foundational element of state jurisprudence profoundly impacted the fundamental laws governing both the administration and societal conduct. To uphold social justice, the state rendered adjudications in alignment with Sharia stipulations and governed legal interactions among societal members. This paradigm of the Islamic legal system persists in numerous Islamic nations to this day. Within the Mamluk state, the intimate interrelation between Sharia principles and statutory laws is discernible in contemporary legal systems, particularly within the legal structures of Islamic nations. Sharia, by intertwining the legal system with ethical values, facilitated the concordance between legal statutes and moral standards [10].

The Objectives, Types, and Characteristics of Punishment in Islamic Law. In the framework of the Islamic legal system, the safeguarding of widely acknowledged ethical standards by the populace, alongside the punitive measures instituted in the event of infractions, is of paramount significance. In accordance with the foundational doctrines of Islamic jurisprudence, the pertinence and admissibility of evidence constitute critical concerns. Nevertheless, numerous legal scholars engage in a rigorous evaluation of the feasibility of punitive measures predicated on the notion of unfulfilled justice, including capital punishment, amputation of limbs, or other forms of corporal punishment. Furthermore, an objective examination of the nation's legal framework and a comparative analysis of legal institutions necessitate the elucidation and exploration of the underpinnings of Islamic criminal law and procedural law.

Islamic law is regarded as a universal framework governing life, encompassing all dimensions of both private and public spheres, complemented by hadiths that furnish a thorough structure for the maintenance of law and order within Islamic society. The legal system of Islam is characterized by an extensive compilation of regulations that delineate criminal acts, stipulate penalties, and establish guidelines for engagement with offenders. The central aim of these legal provisions is to preserve an individual's life, dignity, and property, while concurrently fostering tranquility and order within the community.

Matters Protected by Islamic Criminal Legislation:

1. Individual Rights – Protecting a person's individual rights and dignity.
2. Private Property – Protecting private property and preventing unlawful confiscation.
3. Honor and Dignity – Safeguarding an individual's personal integrity and public reputation.
4. State Interests – Ensuring the internal and external security of the state.
5. Religious Canon – Protecting the fundamental principles and values of Islam.
6. Public Order – Ensuring the maintenance of order within society.
7. Humanity and Morality – Combating actions that go against moral principles.

The punitive framework within Islamic jurisprudence is meticulously structured to uphold justice within the societal fabric, safeguard individual entitlements, and promote tranquility and cohesion among community members [7].

In the context of Islamic legal theory, the penal framework is bifurcated into two principal classifications: prescribed and discretionary penalties. Prescribed penalties are those explicitly delineated and established by Sharia law, whereas discretionary penalties are contingent upon specific situational variables. Numerous scholars in the field of criminal jurisprudence engage both prescribed and discretionary penalties in their discourse regarding the prerequisites for an exemplary penal framework. The Islamic penal structure is predicated upon several fundamental categories of punishment:

1. Hadd (Fixed Punishments) – These represent predetermined and explicitly delineated penalties for particular offenses in accordance with Sharia jurisprudence. Offenses including larceny, extramarital relations, and the consumption of intoxicants are classified within this domain. Hadd penalties are rigid and immutable.

2. Qisas and Diya (Retribution and Compensation) – Qisas denotes the fundamental principle of retributive justice, wherein an offense perpetrated against an individual is addressed with a commensurate or just response. Conversely, Diya pertains to the recompense awarded for the injury inflicted upon an individual's life or well-being.

3. Tazir (Discretionary Punishments) – The aforementioned sanctions are adjudicated by the judiciary contingent upon the specific context and characteristics of the offense. Tazir penalties are subject to fluctuation and are enforced in instances that do not conform to the foundational tenets of Islamic jurisprudence.

Fixed Punishments and Crimes:

In the case of adultery (zina), fixed punishments are assigned as follows:

a) Zina – the act of participating in sexual intercourse without the explicit consent and endorsement of one's spouse is a significant concern. This principle is unequivocally articulated in the Qur'an: the act of zina is prohibited for all adherents of Islam. The ramifications of zina are addressed with varying degrees of severity contingent upon the marital status of the individuals involved. The consequences for this transgression encompass:

1. Stoning (Rajm): This sanction is imposed upon individuals who are legally wed (inclusive of both males and females) and who perpetrate the act of zina. The act of stoning represents a stringent and immutable penalty for individuals who partake in extramarital relations whilst being in a conjugal union.

2. Lashing (Hadd): This particular form of penalization is pertinent in scenarios involving individuals who are not legally wed. Additionally, there exists a range of alternative punitive measures that may be enacted, including exile, monetary penalties, or other disciplinary actions.

In the initial scenario, individuals of both genders who partake in zina, regardless of whether their participation is voluntary or involuntary, are subject to identical punitive measures. In the subsequent scenario, the penalty for voluntary adultery consists of 100 lashes, while for involuntary acts, a penalty of 50 lashes is administered.

For females who engage in zina voluntarily, the sanction is 100 lashes; conversely, for involuntary acts, the penalty is reduced to 50 lashes. In contrasting scenarios, males who commit voluntary zina face a punishment of 50 lashes (which is half of the sanction imposed on females), while involuntary male offenders receive 25 lashes (which constitutes half of the penalty assigned to voluntarily offending females).

To establish the occurrence of the crime of zina, it is requisite for four witnesses to testify before the court, affirming that the act of zina transpired. These witnesses must fulfill the stipulations of Shari'ah law, and their testimonies are validated through an oath. Only upon satisfying these conditions can the crime of zina be substantiated. In such instances, mere indirect evidence or suspicion is insufficient to initiate charges. Should an individual confess to zina, they are obligated to take an oath four times in court, thereby allowing for the execution of the punishment.

There exists no provision for the mitigation or forgiveness of the punishment for zina. Nevertheless, if the parties involved in zina enter into matrimony before the court, they are absolved from all punitive measures. If an individual engages in zina with a non-Muslim female and

subsequently marries her, they too will face stoning; however, in alternative scenarios, the punishment will consist of lashing.

Individuals who have committed zina may only enter into marriage with those who have acknowledged their own transgressions (in relation to zina). In other situations, their punishment serves as a mechanism for purification. If a female who has committed zina is wed, her spouse is entitled to confine her for life without the necessity of court proceedings.

Islamic jurisprudence delineates specific punitive measures, including the amputation of hands, stoning, and flogging with a whip. However, the application of these punishments is restricted to grave offenses supported by unequivocal evidence and proof. Under Islamic law, the evidence requisite for establishing a crime must be irrefutable and manifest. In cases where uncertainty exists, the verdict is rendered in favor of the accused, thereby providing an opportunity for exoneration. However, if the crime is substantiated through evidence, the accused is mandated to endure the prescribed punishment.

In the Quran and Sunnah, punitive measures are delineated for transgressions such as murder, robbery, adultery, theft, and the false accusation of marital infidelity. In cases of murder, the punishment may entail execution by hanging, although the heirs of the victim retain the option to grant forgiveness to the perpetrator in exchange for monetary compensation (blood money or "diyah"). Conversely, for other offenses, the prescribed penalties cannot be substituted with compensation; stringent sanctions are enforced.

Some academics who critique Islam perceive these punitive measures as excessively severe and inequitable. Conversely, proponents of their enforcement contend that, primarily, these penalties embody the divine will of Allah, and no individual possesses the authority to modify them. Furthermore, although the practical application of these sanctions may be infrequent in contemporary society, they are believed to serve a significant deterrent function. The awareness among potential offenders that evading punishment is not feasible discourages them from engaging in illicit behavior. Consequently, this understanding culminates in the acceptance of the punishment by the offender, which is deemed unavoidable.

Impact on the Contemporary Legal System. The integration of Sharia within the legal framework continues to be prominent across numerous nations today, particularly within Islamic jurisdictions. The findings of this research could be pivotal for the examination of the core principles that underpin the formation of legal standards in modern Islamic states. The legal customs during the Mamluk-Qipchaq era provide valuable perspectives on the interplay between Sharia law and state legal structures, as well as the manner in which the social, political, and ethical dimensions of Islamic law were reconciled. This historical context may prove to be an instrumental resource in navigating contemporary legal challenges and evaluating the influence of Islamic law in present-day society [11].

Conclusion

In the context of this scholarly investigation, a comprehensive examination was conducted regarding the Islamic legal principles prevalent during the Mamluk-Qipchaq epoch and their significance within the overarching legal framework. Prior to the ascendance of the Mamluks, the Shiite orientation of the Fatimid dynasty had firmly established itself within the Egyptian socio-political landscape. During this epoch, the Shiite community adhered to their distinctive interpretation of Sharia, through which they constructed intricate social and legal frameworks. Nevertheless, following the emergence of the Mamluks as the ruling authority, they advocated for the Hanafi madhhab, thereby institutionalizing the legal standards of Sunni Sharia. This transition exerted a profound influence on the legal and religious architectures of society during that historical period. The Hanafi legal school disseminated extensively throughout the Mamluk state and was elucidated to the populace through religious and legal compositions that surfaced during that time.

The diverse array of methodologies was employed in this research endeavor to juxtapose the Islamic legal norms within the Mamluk-Qipchaq states against those of other Islamic nations. Initially, the manuscript *Irsad al-Muluk wa al-Salatīn* was utilized as a primary source for the

investigation. The textual content of this manuscript constitutes a pivotal resource for the exploration of the legal framework characteristic of the Mamluk-Qipchaq period. The manuscript delineates the application of Hanafi legal precepts and Sharia injunctions. Moreover, the Qur'an and hadiths were scrutinized as foundational sources of Islamic jurisprudence, with a thorough analysis of the substantive content of the legal norms and the alignment of the Sharia rulings of that era. This methodological approach is particularly salient in assessing the role of Sharia within the legal system and its ramifications for societal dynamics.

Throughout the course of this research, a thorough examination of religious literature in Arabic, religious texts, secular legal statutes, and Sharia rulings was also undertaken. These materials afford the opportunity to critically assess the stringent mandates of Sharia and its congruence with the prevailing legal norms within society. In this context, it is imperative to investigate the legal stipulations enacted during the Mamluk-Qipchaq period to elucidate the nexus between Sharia and indigenous legal systems. Specifically, the influence of the Hanafi madhhab on the legal structure and its function within state institutions emerges as the principal objective of this inquiry. A comparative analysis of the Islamic legal norms from the Mamluk-Qipchaq period in relation to analogous regulations in other Muslim jurisdictions facilitates the elucidation of the interrelationship between Sharia and legal frameworks.

The essential component of the research is the precise, verbatim translation of the manuscript in the Qipchaq language. This translation facilitates a comparative examination of the legal stipulations and Sharia directives articulated in the Mamluk-Qipchaq language. To attain a more profound comprehension of the manuscript's subject matter, the methodology of juxtaposing the original manuscript with its translation was employed. This approach is instrumental in ascertaining the congruence of the text with conventional legal standards.

Furthermore, the investigation is informed by the seminal contributions and findings of both national and international scholars. The perspectives and conclusions articulated by these scholars enriched the understanding of the academic framework pertinent to the research subject. Utilizing the comparative legal methodology, the legal framework of the Mamluk-Qipchaq era was analyzed in relation to the legal systems of other Islamic nations. This analytical comparison facilitates the identification of the application of Sharia across various states and elucidates the characteristics of the prevailing legal norms. Additionally, the technique of scrutinizing legal and historical documents was employed to investigate the transformations that transpired within the legal frameworks and standards of that epoch, situated within their historical milieu.

Moreover, during the Mamluk governance, the significance of Sharia within the legal structure was markedly enhanced. The rulings promulgated in accordance with the legal precepts of the Hanafi madhhab addressed a spectrum of societal challenges. Furthermore, the impact of Sharia on the secular legal framework emerged as one of the defining attributes of this historical period. Following the ascendance of the Mamluks, the prominence of Sharia in this context intensified, resulting in a legal system that was unified, systematic, and politically stable. The adoption of the Sunni paradigm of Sharia ensured the distinctiveness of the legal system and mitigated actions that were misaligned with Islamic jurisprudence.

Consequently, during the Mamluk-Qipchaq administration, the amalgamation of Islamic legal principles and the Hanafi madhhab into the legal framework significantly bolstered the juridical foundation of society, fostered social equity, and ensured political stability. Naturally, the legal dilemmas that emerged during this epoch and their resolutions were pivotal and have shaped the evolution of Islamic law in contemporary times. The prominence and influence of Hanafi legal doctrines during the Mamluk period continue to underpin scholarly inquiry and analysis today, as they epitomize a critical juncture in the annals of Islamic jurisprudence.

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