

Judicial Ethics and the Rule of Law in the Thought of Abdurauf Fitrat

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ABSTRACT

This article explores Abdurauf Fitrat's legal-philosophical views on the status and functions of judges (qozis) within Islamic and national legal traditions. It highlights Fitrat's critique of judicial corruption and his advocacy for justice, equality, and human rights as fundamental principles of governance. The study demonstrates how Fitrat's progressive ideas anticipated modern legal reforms in Uzbekistan, emphasizing the judiciary's duty to protect citizens' rights and freedoms. His insights remain relevant for contemporary legal practice, judicial ethics, and professional development in jurisprudence.

Keywords: Jadid Movement; Judicial Reform; Rule of Law; Human Rights; Legal Status of Judges; Justice; Sharia Principles; Legal Philosophy.

1. Introduction

The National Legal Heritage represents the unique and invaluable wealth of our nation and our people. This heritage has found its deepest expression in the works and ideas of our great thinkers and eminent ancestors, who are regarded as the highest embodiment of our cultural and intellectual values. Among the prominent leaders of the Jadid movement was Abdurauf Fitrat, a luminous figure and a multifaceted genius. He was an erudite scholar with encyclopedic knowledge, a distinguished writer, passionate poet, remarkable dramatist, publisher, critic, translator, educator, sharp-witted journalist, militant publicist, exceptional jurist, incisive linguist, Islamic scholar, and skillful musicologist. Fitrat was one of the foremost representatives of twentieth-century Uzbek literature, science, and culture, the first professor among the intellectuals of Central Asia, and an eminent statesman and political figure.

1.1. Study Objectives

This study aims to achieve the following objectives:

to examine Abdurauf Fitrat's legal-philosophical views on the role, duties, and ethical responsibilities of judges (qozis) within Islamic and national legal traditions.

to explore Fitrat's conceptualization of the rule of law, justice, equality, and human rights as foundational principles of fair governance.

to compare Fitrat's ideas with modern constitutional reforms in Uzbekistan, highlighting parallels between his thought and contemporary state policies aimed at strengthening judicial independence and protecting human rights.

to assess the relevance of Fitrat's judicial-ethical principles for today's legal practice, professional ethics, and the development of a modern judiciary.

to demonstrate the enduring significance of Fitrat's intellectual legacy in shaping legal consciousness, promoting justice, and guiding ongoing reforms in Uzbekistan's judicial system.

2. Methodology

The research employs a qualitative, historical-analytical approach, using textual analysis of Fitrat's writings, archival materials, and secondary scholarly sources. Comparative analysis with modern constitutional principles and presidential reforms contextualizes Fitrat's thought within current legal paradigms.

3. Discussion and Results

The encyclopedic scholar Abdurauf Fitrat had already, in his own time, advanced profound ideas and raised pressing issues concerning the activity of judges, their legal status, and the nature of judicial authority within the Emirate.

According to Fitrat, neither the ruler nor certain judges showed the slightest concern for the citizens' legitimate demands, petitions, or complaints. Their attention was instead absorbed by daily pleasures and the accumulation of wealth and property. The fate of the state, he observed, remained entirely in the hands of the Emir, and governance was supposed to be conducted in accordance with the precepts of the Qur'an and the principles of Islamic Sharia law [1]. However, since both the head of state—the Amir—and the chief judge (qozi kalon) regularly received various forms of bribes and financial payments from the provincial judges, they exercised no effective oversight over their activities. Fitrat observed that if the judges failed to present annual gifts and bribes to the Amir and members of his court, anyone could then justly tell the judges to "take less money from the people."

The Amir and the officials surrounding him had become accustomed to accepting bribes and diverse offerings from the judges in varying amounts. Consequently, the Amir could no longer admonish the judges with the words, "Do not exploit the people," as he himself was deeply implicated in this corrupt system [2]. The eminent scholar Abdurauf Fitrat strongly condemned the covert and unlawful relations between the Amir's officials and the judges, which undermined the rule of law and disrupted order within the state and society.

Fitrat relentlessly exposed the judges' activities that ran counter to the interests of the people, accusing them of violating citizens' rights and freedoms as well as transgressing the principles of Sharia law. As he asserted: "Our Sharia regards all Muslims as brothers and strictly forbids one Muslim from unlawfully taking possession of another Muslim's property" [3]. The thinker maintained that judges must safeguard the rights and freedoms of citizens, protect their legitimate interests, and ensure social justice, peace, harmony, and stability within society. He emphasized that they should strengthen the rule of law, legality, and public order, while upholding truth and justice in all their decisions and actions.

Abdurauf Fitrat's profound reflections in this regard are remarkably consistent in essence and meaning with the views expressed by the President of the Republic of Uzbekistan, Shavkat Mirziyoyev, who stated:

"We are taking all necessary measures to ensure that human rights and freedoms are manifested as the highest value of a democratic society in our country. We are carrying out major reforms to guarantee our citizens' natural rights and freedoms—such as the right to live in security and dignity, to own housing and property, to receive healthcare, and to obtain education.

Our highest priority is to comprehensively support the realization of human potential and to safeguard the fundamental rights and legitimate interests of every individual” [4].

Both thinkers, though separated by time, share the same humanistic and legal ideals placing the protection of human rights, dignity, and justice at the core of a truly democratic and progressive society. Fitrat expressed strong disapproval of the actions of many judges who, contrary to their official duties, the principles of legality, and the protection of citizens’ rights and interests, imposed unjust and excessively harsh punishments on ordinary people and seized the property of Muslims by force.

He demanded that judges reconsider, revise, and fundamentally reform their approach to determining punishments for criminal offenses, emphasizing the need to align judicial practice with justice, humanity, and the rule of law.

Abdurauf Fitrat emphasizes that judges, in the administration of justice, must thoroughly and comprehensively examine which rights of the citizen have been violated, by whom, and for what reasons those rights were infringed. He asserts that judges should study every case in depth and perform their duties accurately and conscientiously, maintaining a firm commitment to fairness, impartiality, and integrity in the exercise of judicial authority [5]. Fitrat advances the view that the protection of citizens’ rights and freedoms, as well as their legally safeguarded interests, must constitute the core essence and primary purpose of judicial activity.

The thinker maintains that every individual must possess the right to judicial protection of their rights, freedoms, and lawful interests against any unlawful actions or abuses committed by state bodies or officials.

In his interpretation of judicial proceedings, Fitrat places the human being their fate and interests at the very center. He regards the judiciary as a mechanism for upholding truth and justice within the state and society, as well as for protecting the individual, safeguarding their freedoms, and defending their rights.

While criticizing the flaws and injustices prevailing in judicial practices, Abdurauf Fitrat emphasized that the judiciary must serve the people, and that judges are obliged to ensure justice in every stage of the judicial process — from the examination and resolution of cases to the imposition of penalties.

According to Fitrat, the equality of all citizens before the law and the courts must be guaranteed, regardless of their nationality, religion, beliefs, social origin, or official position. He stresses that judges should conduct judicial proceedings independently, impartially, and in strict accordance with the principles of Sharia, guided solely by justice.

Fitrat further asserts that the administration of justice is the exclusive function of the judiciary, and that fair adjudication constitutes an essential component of state authority. The proper organization, development, and improvement of the judicial system, he argues, lead directly to the strengthening of the foundations of state governance and the rule of law [6].

The eminent scholar Abdurauf Fitrat boldly advanced ideas and views concerning the protection of human rights and freedoms, as well as the necessity of adherence to legality and the principles of justice in judicial proceedings. He articulated the notion that the judiciary should be transformed into a state institution dedicated to safeguarding the interests of individuals and citizens.

Fitrat's profound insights and extensive knowledge in this regard have retained their relevance to the present day. His intellectual legacy remains of great importance for the organization and functioning of modern branches of jurisprudence. The application of his teachings in judicial practice, as well as in the professional development and training of court personnel, would be both beneficial and appropriate for enhancing the effectiveness and moral integrity of the judicial system.

4. Conclusion

In conclusion, Abdurauf Abdurahim oglu Fitrat, a devoted patriot and encyclopedic scholar, demonstrated exceptional civic courage in advocating for the rights and interests of the indigenous peoples of Turkestan, and in inspiring the nation toward freedom, independence, and self-determination. He lived with a burning devotion to his people and homeland, and though he himself endured suffering, he brought light and enlightenment to his nation. Fitrat illuminated the path of his compatriots and, until the final moments of his life, fought selflessly for the progress, liberty, and independence of his nation and homeland ultimately sacrificing his life for this sacred cause. Though this radiant figure is no longer with us physically, his spirit continues to live among us, guiding and inspiring future generations in their pursuit of truth, justice, and national pride.

5. Future Suggestions

1. **Conduct deeper archival research** to uncover lesser-known manuscripts, legal opinions, and historical documents related to Abdurauf Fitrat's judicial thought, enabling a more comprehensive understanding of his contributions to legal philosophy.
2. **Compare Fitrat's ideas with those of other Jadid intellectuals and contemporary Muslim reformers**, which would enrich the broader study of legal modernization and ethical governance in Central Asia.
3. **Develop specialized training modules for judges and legal practitioners** based on Fitrat's principles of justice, integrity, and human dignity, integrating them into judicial ethics curricula and continuing professional development programs.
4. **Apply Fitrat's concepts of judicial independence and anti-corruption** to evaluate ongoing reforms in Uzbekistan's judicial system, creating measurable indicators for assessing progress in rule-of-law initiatives.
5. **Promote interdisciplinary studies** linking Fitrat's legal thought with sociology, political science, religious studies, and public administration, thereby expanding the academic significance and applicability of his ideas.

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Consent for publication

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Authors' contributions

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