

GENDER EQUALITY IN ISLAM

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Abstract

Today, a comprehensive study of social aspects, cultural and spiritual, as well as socio-economic, legal, educational and organizational features of the women's issue in our country is one of the most pressing issues. The relevance of the issue is that, first of all, at the present stage of development of our society, it is socially necessary to conduct a scientific analysis of the Islamic doctrine regarding the women's issue in the process of increasing the spirituality of the Uzbek people, including religious literacy. Secondly, analyzing and studying the basic principles of Sharia norms, it is necessary to correctly use this knowledge to improve the role of women in the family and society, which is very important today.

In this regard, this article highlights the essence and characteristics, as well as the socio-economic, spiritual and cultural foundations of women's rights, in Islam, using the example of the verses of the Qur'an and Hadith, which were considered in the region as traditions. The article also examines the family rights and obligations of women, the status of women in society, the right to work, and social and economic rights regulated in Islam. It analyzes the spiritual, legal, educational factors of women's rights set forth in regulatory acts adopted in the Republic of Uzbekistan.

Keywords: Quran, hadith, woman, family, gender, Islamic law, polygamy, pension, mahr.

Introduction

Protection of women's rights and legal interests, which are considered an integral part of human rights in all developed countries of the world, guaranteeing women's rights, their discrimination, protection from family violence, as well as the systematic development of scientific-theoretical, legal and institutional mechanisms of this field, by state bodies at all levels is receiving serious attention.

In the world, scientific research is being carried out in the direction of protection of women's rights, including gender equality, elimination of sexual discrimination, protection of women from various domestic violence, formation of legal mechanisms for realization of their social, economic and political rights. In this regard, in particular, in-depth analysis of women's rights, organization of their expertise from the point of view of gender equality in regulatory legal documents, elimination of all forms of discrimination against women, in this regard, researches in areas such as increasing the role of state and non-state organizations are gaining special importance.

Wide-scale reforms are being implemented in our country to protect women's rights and protect their legitimate interests.

It is known that women's rights are not only a legal situation, but women's rights are related to politics, spirituality and enlightenment, religious beliefs and philosophy, and various changes in society.

From this point of view, it is a unique issue to study from a legal point of view the social aspects of the women's issue in the norms of Islamic law, its socio-historical foundations, its cultural and spiritual characteristics, as well as the socio-economic, legal, and educational-organizational uniqueness of solving the women's issue in Islamic teachings. Islamic teachings gave rights to women according to their gender and biological structure, and at the same time assigned their duties. The teachings of Islam gave women equal rights with men in all aspects of life: learning, working, participating in the development of society, and owning property.

Main Part

As we analyze the theoretical issues in Islamic law regarding women's rights, it is impossible not to emphasize that there are specific aspects in the approach to women's rights in Islamic law.

First of all, although there is an understanding of the equality of men and women in Islam, the uniqueness of its approach to this is explained by some factors. That is, in Islamic law, it is recognized that men and women have the same personal, social, economic and political rights. For example, the protection of a woman's honor, reputation, working, owning personal property, inheriting, leaving an inheritance, occupying a high position (for example, being a judge), participating as a witness in court cases, participating in elections (*bay'at*). However, some differences can be seen between these rights. The main reason for this is a woman's physical characteristics and her role and level of participation in society.

Because women have certain physical characteristics, they are given privileges. For example, a man is not exempted from prayers in any case, a woman is exempted from prayers during *menstruation* and *nifas*, and in Islam, women can go to the mosque. During the time of the Prophet (peace and blessings be upon him), women went to the mosque, but it is not obligatory for women to go to the Friday prayer, as it is obligatory for men to go to the Friday prayer. Therefore, Islam eases the duties of the female organism by referring to the physiological and spiritual uniqueness related to its natural functions. At the same time, due to the weakness of women, the obligation to provide for the family is also assigned to the man.

Due to the fact that a woman is freed from the obligation to financially support the family and her pension is assigned to others (parents, guardian or sponsor, husband) from childhood to death, the share of a woman in the matter of inheritance is less than that of a man.

Second, while Islamic law allows a woman to marry only one man, at the same time polygamy is allowed for men (Abdulaziz Mansur., 2006:77).

In this article, while analyzing the theoretical problems of Islamic family law, we studied the issue of polygamy from the historical point of view, as well as the current state of family law in Muslim countries. Although this issue is a topic that has received a lot of criticism, in our opinion, it is necessary to take into account that this view originates from the point of view of the era. Polygamy is not a new thing brought by Islam, even though this attitude was softened due to Islamic teachings, under the influence of Eastern mentality and due to many economic,

social, political, military factors, polygamy was allowed for that time and polygamy existing in the region was somewhat limited. The main point is that polygamy is a permission (muboh), not an obligation (fard). Also, justice is mentioned in the Holy Qur'an as a serious condition for it, and it is strongly emphasized in the sources of Sharia that human beings cannot fulfill justice (Yusupova N., 2019:60).

In most cases in this matter, the view that the Qur'an allows men to marry up to four times shows that there is a problem in explaining the real nature of the matter. In our opinion, it is necessary to rely on the analytical views of scholars in order to make people have a scientifically based conclusion when interpreting this issue.

In the third verse of Surah An-Nisa, while it is allowed to marry up to four people, it is immediately followed by saying, "If you fear that you will not be able to establish justice and equality between them, settle for only one wife". And in verse 129 of this sura, it is said: "No matter how hard you try, you will not be able to do justice between your wives" (Abdulaziz Mansur., 2006:77).

So, polygamy is not directly allowed in Sharia without any conditions. Fulfilling the conditions of polygamy is a very difficult matter. So, it is clear that the verse of the Holy Qur'an regarding this issue was revealed to regulate polygamy, which was widespread in the pre-Islamic period. Researcher M. Mashanov expresses the following opinion in this regard: "It must be admitted that polygamy was not introduced by Muhammad, peace be upon him. Polygamy, contrary to happiness, had become the custom of almost the whole of Asia. Therefore, it is not appropriate to accuse Muhammad, peace be upon him, that he introduced polygamy and brought this evil and calamity to this world" (Mashanov M., 1876:143).

So, it is clear that the verse of the Holy Qur'an regarding this issue was revealed to regulate polygamy, which was widespread in the pre-Islamic period.

Today, it is unfortunate that there are cases in our society of marrying a first, second, or third wife for the sake of lust, even though one has an officially registered marriage. This work is prohibited in the family law of Uzbekistan.

Each person can be happy only in a single marriage. The principle of monogamy should be based on high moral standards. Such a rule meets the requirements of marriage-family relations at the current stage of society's development. Violation of this rule, in addition to invalidating the marriage, also grounds for criminal prosecution of the violators.

Although these issues regarding women's rights in Islamic law are the subject of many disputes, it must be recognized that Islamic teaching brought innovations in the treatment of women and was the point of "revolution". In our opinion, it is not correct to consider the norms of Islamic law within its historical conditions (for example, some restrictions in the field of women's rights) as completely immutable norms. After all, society is developing and progressing.

Discussion

Generally speaking, Islam raised the status of women by showing compassion and love and introduced a number of norms for a happy life. The fulfillment of these norms was strengthened by the verses of the Qur'an and the hadiths of the Prophet (peace be upon him).

When thinking about the coverage of issues related to women in the Qur'an and Sunnah, which

are the divine sources of Islamic law, it can be said that the Holy Qur'an served as the main source of Islamic law. Therefore, the verses in it cover the matter mainly in a general way.

There are 309 verses related to the issue of women in the Holy Qur'an, of which 161 were revealed in Mecca and 148 in Medina (Sayyida Ismat ad-din Karkar., 2004:72).

When studying the verses that were revealed in the Meccan period related to women's issues, it can be concluded that the main theme of the Qur'anic verses in that period was aimed at the following goals:

Eliminating the wrong attitude and negative approach to women in society. The issue was analyzed from several angles.

First of all, emphasis is placed on evaluating the value of a woman as a human being. For example, the Arabs had a custom of killing newborn girls and burying them alive. In addition, children, including girls, were killed out of fear of poverty. These customs are criticized in the Qur'an and such views and customs are condemned (Abdulaziz Mansur., 2006:586, 148, 285).

Secondly, instead of demeaning, humiliating and treating women as objects, it is promoted to treat them with kindness (Abdulaziz Mansur., 2006:175).

Thirdly, respect for the woman as a mother was ensured (Abdulaziz Mansur., 2006:284, 412). This is a summary of views on women's issues and rights in the Qur'an, the main source of Islamic law, and these issues are reinforced in other sources.

It is known that it was not traditional to describe the Qur'an by dividing sentences into parts. In every language, including Arabic, men and women are simply addressed as *ladies* and *gentlemen*. But when we look at the verses, in order to emphasize the equality of the representatives of each sex and their respect in the presence of God, let's say, the words (adjectives) that describe the signs and characteristics of a man are expressed in a way that applies to women as well. That is, as follows:

Men	Women
Muslim	Muslim
A believer	A believer
Obedient	Obedient
Honest	Honest
Patient	Patient
Humble	Humble
Charity giver	Charity giver

After the Qur'an, the most extensive and voluminous source is the Hadith, that is, the **Sunnah**. The Sunna fulfilled the tasks of supporting the verses of the Qur'an, explaining some situations in the Qur'anic rulings, restricting or expanding the scope of some rulings, and introducing new norms if necessary. For example, in Surah Nisa, the share of inheritance of women is specified, and in the hadiths, it can be seen that the Prophet (peace and blessings of Allah be upon him) issued a ruling based on this norm (AlBukhari., 1997:279–281). Also, in this surah, there is a ruling on marriage, and in the hadiths, the order and form of marriage are clarified. That is, if the verse about inheritance talks about the distribution of inheritance in general, the hadiths indicate that a bequest should not be made to a legal heir and that the bequest should not exceed

one-third of the inherited property (Al-Buxoriy., 1997:279-280). At the same time, Surah An-Nisa lists women who are forbidden to marry, but in the hadiths, some additions are made to it and some types of marriage are prohibited (Al-Buxoriy., 1994:398–400).

In general, when studying hadiths, we tried to briefly show the following norms regarding women's rights. But this does not mean that we have achieved the goal. Because the hadiths have reached us in different ways, based on the unique approach of the hadith collector, the existing hadiths in the hadith books in our hands cannot be considered complete. We studied the topic based on Imam al-Bukhari's work "alJame' assahih". There are about seven and a half thousand hadiths in it, and after removing the repetitions, two and a half thousand hadiths remain. It is known that Imam al-Bukhari selected these hadiths from one hundred thousand reliable hadiths. So, we will be working with only two percent of hadiths.

So, **first of all**, in the sahih hadiths, the right of women to get knowledge like men is recognized regarding the social rights of women (Al-Buxoriy., 1991:41).

Secondly, in terms of economic rights, a woman's legal capacity is recognized, i.e. her rights to own property, receive inheritance, legal capacity, and the right to freely dispose of her personal property (Al-Buxoriy., 1993:19, 142, 186).

Thirdly, conditions such as the conclusion of a marriage contract within the framework of family relations, witnesses, consent, the setting of conditions by the parties in the marriage contract, the participation of the *guardian* when the contract is concluded, the types of women (*mahrms*) forbidden to marry according to the Qur'an, and other additional types are indicated. At the same time, the conditions of breastfeeding that create mahram, women's property rights arising from the marriage contract such as dowry, allowances and inheritance, polygamy, forbidden forms of marriage, for example, Prohibition of temporary marriages and marriages in which one sister marries another sister (*shigor*), husband's attitude towards a woman, woman's right to annul marriage (*khul'*), other types of divorce (*li'on*), the rights of a woman whose husband has disappeared and the conditions for determining genealogy done (Al-Buxoriy., 1993:92).

Fourthly, in the case of war, efforts are made to protect women as much as possible, and it is shown that her participation in war is equal to performing Hajj. However, a woman is allowed to participate in wars as a nurse or food delivery person to help the warriors. But in any case, it is forbidden to kill women during war, as well as priests, old people and young children (Al-Buxoriy., 1993:254, 255, 294).

Results

As we can see, the main sources of Islamic law, the Qur'an and the Sunnah, cover women's rights and issues related to them in detail, and in all of them, women are glorified, their place in society is shown, and women are given wide rights.

Based on the above, we come to the following conclusions:

Analyzing the legal literature on the problems of women's rights, it is impossible not to emphasize the specific features of the study of women's rights in Islamic law.

First, taking into account the structure of Islamic law, which includes legal and religious norms, it is necessary to study this problem both at the level of general norms and at the level of legal

norms. Taking this into account, women's rights in Islam should be revealed based on the original sources of Islamic law, the Qur'an and hadiths.

Secondly, Islamic law is essentially a law that regulates property and personal relations between citizens. Based on this system, the content of the legal status of women in Islam is studied in combination with marriage, family, divorce, inheritance, and property relations existing in Islamic law.

Thirdly, taking into account the uniqueness of the norms of Islamic law, it is necessary to approach from a socio-legal point of view in revealing the legal status of women in Islamic teachings. Because the issue of women is, in fact, a universal phenomenon, but the scope of its research is the study of ways to ensure the human life, work and creativity, participation in social life, state affairs, and equal rights in family relations of a separate layer of the population - women.

Therefore, it is necessary to determine the main directions within these approaches that exist in the scientific literature.

The directions within the sociolegal approach can include the study of women's issues in connection with traditions, national cultures, social institutions, law and society. Based on the analysis of these views and concepts and from the point of view of modern problems, the issue of women in Islam, in our opinion, the following directions:

- the socio-legal status of women in Islamic law;
- participation in economic relations;
- position in political systems;
- its place in cultural development and religious life;
- the role of family relations in the formation and strengthening can be studied by studying the main sources of Islamic law based on the Holy Qur'an and hadiths.

The people of the Soviet Union, educated for more than seventy years under the influence of communist ideology, took the concepts of "family", "woman", "marriage" on the basis of Soviet laws, instructions and decisions of the Communist Party, as well as from the works of lawyers and political scientists who commented on them, as well as from popular political literature (Muhamedov R., 1999:7).

For many years, it was not allowed to open the mouth about the concepts of justice, duty, obligation towards a woman defined in the Holy Qur'an and hadiths, and described in the works of Islamic jurists, attitude to the family, relations between husband and wife, parents and children and relatives, and the basic requirements arising from universal moral values.

In the norms of Islamic law, the moral duties of parents and children, family relations between spouses and other family members, caring for the elderly and orphans, strengthening the family, and other domestic relations are important because they embody not only universal human values, but also special oriental sociocultural and unique principles. However, these norms of Islamic law related to the history of the state and law of our region were not only not studied and propagated during the Shura regime, but on the contrary, they were severely criticized as harming morals under the banner of fighting against religion.

According to the teaching of Islam, men and women are equal, they should perform social and worldly tasks according to their needs and requirements (that is, a woman - a feminine task, a

man - a masculine task) and should only engage in good deeds. About this, in verse 228 of Surah Al-Baqarah of the Holy Qur'an: "Women's rights are equal to men's (rights) in their measure...", and in verse 19 of Surah An-Nisa, Allah commands men: "Marry them in harmony";

In Islamic law, a woman is given the right to determine her own destiny when entering into a family relationship. In addition, she has property and non-property rights as a person with full legal capacity in the family. In Islam, the most basic and sacred condition for starting a family is marriage. The issue of marriage is elaborated in the norms of Islamic law. It defines the conditions of marriage, grounds for recognizing marriage as invalid, rights and obligations of husband and wife, issues of divorce. The main purpose of the conditions defined in the norms of Islamic law is to create a healthy, pure marriage relationship. The relationship between husband and wife is not based on the economic and legal dependence of the woman on the husband or the husband on the woman, but on the basis of mutual assistance and mutual support of persons connected by marriage and having equal rights and duties in family relations. So, first of all, in Islamic law, marriage is a voluntary union between a man and a woman freely expressing their will; norms of Islamic law provide that every person has the ability to express his freedom with his consent; secondly, each of the spouses enjoys equal personal and property rights both at the time of marriage and during marriage; thirdly, marriage is a sacred, eternal and lifelong union, the highest purpose of which is to procreate and raise children. In Islamic law, all the rights and obligations of women arising from family relations are in harmony with the rights in modern legislation, and there are also a number of peculiarities, which are mainly seen in property relations such as material support, dowry, and inheritance.

The views of Islamic law on family relations reflect the universal values and ideas of humanity, the principles of moral education specific to the East. Although moral norms in Islamic law mainly represent patriarchal legal norms, they are originally aimed at strengthening the family, the foundation of married life. According to Islamic family law, the husband is the head of the family, the person in charge, the manager of the family. It is mentioned in the Holy Qur'an in verse 34 of Surah Nisa: "Men are the guardians of women (as the permanent head of the family). The reason is that Allah has made some of them (men) superior to others (women) and they (men) spend their wealth on their families. The righteous (among women) are those who are obedient (to Allah), protective of the unseen as much as Allah preserves (i.e., those who guard their husbands' secrets, property and reputation)..." (Abdulaziz Mansur., 2006:84). According to Sharia law, the husband is primarily responsible for all financial aspects of the family and protects it from any external attacks. Therefore, the saying "Men are the leaders of women" in Surah An-Nisa, verse 34, is a call to this duty, not to glorification. Because he is entrusted with the responsible task of realizing the interests of the family. At this point, the reasoning should not lead to the conclusion that the recognition of the husband as the head of the family in Islam, giving priority to him in some matters, and denying the equality of the husband and wife in general. According to the teachings of Islam, a wife's obedience to her husband does not mean that she worships his personality and obeys him unconditionally. This should be understood from the point of view of spiritual respect and mutual trust, mutual love. The relationship between husband and wife is not based on the economic and legal dependence of the woman

on the husband, but on the basis of mutual assistance and mutual support of persons connected by marriage and having equal rights and duties in family relations;

– In pre-Islamic times, women were not given property, and they were deprived of the right to do any profitable independent work, even inheritance. Islam introduced that a woman is not completely subordinate to a man, she can own property and dispose of it like a man;

– In Islam, a woman is considered primarily as a human being and is recognized as having a human spirit and soul, just like men: “O people, be afraid of your Lord, who created you from one soul (Adam) and created from it a mate (Air) and distributed more than two men and women!...” (Surah An-Nisa, verse 1; Surah Hujurot, verse 13) (Abdulaziz Mansur, 2006:77, 517). Through this verse, Islamic culture fully recognized the human qualities of women, showed her the field of education, after reaching adulthood, gave her full financial ability in all affairs. Both her husband and her father were guaranteed the inviolability of what belonged to her and even her dowry. Islam did not forbid a woman to work, but taught that she should choose work suitable to her nature. In this way, the woman was saved from hard work. The comprehensive consideration of a woman’s unique situation in society by Islamic teaching does not deny her opportunities for full participation in social life, but specifies the guidelines for ensuring the appropriate implementation of these opportunities. Taking into account the household features of women's lifestyle, the ways of working for them are indicated. This thing serves as a guarantee for a woman's social protection;

– also, the fact that women in Islam have the right to express their opinion in matters related to political and social life and to protect the rights of members of the society created the basis for women’s active participation in the development of society;

– Islamic law gave rights to women depending on their gender, beauty, and biological structure, and at the same time assigned a number of duties. Islamic law, taking into account the weakness of women's jussa, assigned heavier responsibilities to men. In the family, the duty of the father or brother, and in their absence, another male relative, is to feed, dress, educate and bring up the girls. After girls reach adulthood and get married, this responsibility falls on their husbands. The economic factor is important in ensuring the stability of the family. A woman cannot exercise freely to satisfy her and her offspring's material needs during pregnancy, child birth and care. This task is performed by the male gender. A man is the protector of the family, its material provider, the owner of work tools, housing, household items, and also because he is mentally and physically strong, he rises to the level of the leader of the family.

Conclusion

The spiritual importance of Islam in society cannot be denied. The religion of Islam has established and continues to establish many human standards that harmonize the spiritual and moral aspects of people's lives. While these standards are universal standards of morality, they do not exclude the positive and human status of religion.

Revival of religious values is of positive importance for spiritual healing of society and strengthening of family. However, when its principles and beliefs are superficially and incorrectly interpreted, it can also lead to the humiliation of women in the family and society. It should be noted that recently in some regions the rights and freedoms of women are being

discriminated under the guise of Islamic and Sharia requirements. To justify such evils of the present day under the guise of moral and ethical requirements of Islam is nothing more than supporting a superficial, ignorant attitude towards the issue of “Islam and women” in the society.

The Prophet (peace and blessings of Allah be upon him) said: “Be fair in your dealings with women and children, because justice is a sign of human perfection in Islam” (One Thousand and One Hadith, 1991:223). Due to this doctrine promoted in Sharia law, women are valued in families as mothers, wives, housewives, and sisters. Their fathers, husbands, brothers and sisters protected their honor and regularly supported them materially and morally.

In Islam, goodness and righteousness apply to all members of society. This thing should be formed first of all in the family and mainly in the relationship between the couple. This has been discussed a lot in the Qur’an and the hadith.

Allah commands every Muslim man to treat his wife well. It is said in the sermon of the Prophet (peace be upon him) on Mount Arafat: “O people! Respect women’s rights. Be kind to them. Fear Allah concerning their rights! Women are God’s trust for you. You took them in the name of Allah. They became lawful to you by divine command. Just as you have rights over your wives, so your wives have rights over you.” In another hadith narrated from Abu Hurairah (g.b.h.): “A woman was created from a rib... If you try to straighten it, you will break it... So, if this is the case, always consult women well!” (AlBukhari., 1994:421), it is said.

Since women’s intelligence, honor, and rights are glorified in Islam, a number of practical programs were developed and implemented in independent Uzbekistan to fulfill sacred religious and human duties such as raising a healthy generation, strengthening the family, honoring women, protecting motherhood and childhood. Today, in the Law of the Republic of Uzbekistan “On guarantees of equal rights and opportunities for women and men” № ORQ-562, adopted in our country on September 2, 2019, In the new development strategy of Uzbekistan for 2022-2026, “Continuing the policy of ensuring gender equality, increasing the socio-political activity of women, implementation of reforms to support them”, as well as “... further strengthening of social support of women and young people by the state...”. In addition, through the decrees and decisions of the President of the Republic of Uzbekistan and numerous regulatory documents, the issues of increasing the role and position of women in society, putting their dignity in place, and alleviating their burden are being developed at a new stage as the main task of the state, government, local governments and the general public. Because the cultural level and moral perfection of any society is determined by the attitude towards women. After all, it is narrated in the hadith that only virtuous people respect women (Muhammad Kamal., 2000:85). Therefore, it is important to research the important aspects of issues related to women’s rights in Islam, their historical foundations, cultural-spiritual characteristics, social, economic, legal, educational-organizational uniqueness based on the main sources of Islamic law and the scientific heritage of jurists from our country. with the right comparative study is a very necessary issue for today, when ideological struggles are on the rise. After all, as our president stated today, “... the task of strengthening a healthy environment in our families, neighborhoods, and our entire society, educating young people, preserving our peaceful life, and the purity of our holy religion is gaining great importance today” (Mirziyoev Sh., 2017:119.).

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