
THE LEGAL SYSTEM OF THE STATE BAGHDAD IN THE OTTOMAN SALNAMES

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Abstract:

In the first half of the XIX. century, annual books under the name of Salname began to be published in 1263/1847. These yearbooks had an important place in the administrative, economic, social and legal life of the Ottoman Empire. There are geographical structures of the provinces and historical events in these yearbooks. Those contain detailed information about the names of governors, civil servants, judges and officers, the official administrative system attached to the state, the demographic structure and the customs, life and livelihoods of the people. Therefore, we examined the Ottoman legal system in the Province of Baghdad according to yearbooks, the types of the yearbooks and their emergence. The Ottoman administration initiated the renewal of the judicial system according to the western judicial system. Thus, the judicial system in the province of Baghdad became twofold, religious and civil. In this context, information has been given about the religious and civil jurisdictions in Baghdad, their institutions, the qadi, and other officials working there.

Keywords: Ottoman, Salname, Baghdad, Judgment, Law.

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Introduction:

Baghdad is on the banks of the Tigris River. It became the capital of the Abbasids in the VIII. Century. Afterwards its establishment, Baghdad became an important center of culture, trade and thought in the Islamic world in a short time. In addition, Baghdad houses a few basic academic institutions such as Beytül-Hikme. The name Baghdad is related to the old settlements in the region of the pre-Islamic period. Arab writers, thinking that the word was of Persian origin, researched Persian sources and made some theoretical statements. According to the common opinion, the word means "God's bestowal or gift". In addition to this view, which is accepted by most modern researchers, there also those who claim that the word is of ââmîce origin and means "sheep-aged".

The judicial system in the Ottoman state is considered to be the continuation of the judicial system of previous Islamic states. The Ottoman Empire wanted its own judicial system to be special. For this reason, he attached great importance. He put those who are interested in the judiciary under three institutions, which are the institutions of the state. These institutions are civilian, military, and scientific institutions. At first, the Sharia court system had one degree. Until the Tanzimat period, the dominant system was based on a single Qadi system. In addition, there were also minority courts that were authorized to look at the cases of non-Muslims who were minority related to Ahval-i Şahsiye. There were also consular courts that resolved the legal disputes of foreigners in the Ottoman Empire. Thus, in 1839, there were three types of the judiciary.

Ottoman Salnames are historical resources. These are the annual books published by the Ottomans. Numerous information about Arab countries is considered a source for data, statistics, and important numbers. The username

is different from the daily notebook Cruz name. Salname is a concept used in Arabic and Persian. They are the annual statistics about the events related to trade, industry, economy, history, and science in a year. Turkish researcher Süheyl Sapan explains the Salname as follows: It is the annual book that summarizes the most important scientific, literary, and military events of the state special in the Ottoman state are of two types: official and private section. This yearbook is considered official when it is issued by the state or its ministry, institution or one of the provinces subject to it. These yearbooks included information about Ottoman state and its staff, great administrators and officials. Yearbooks of the Ottoman state, the system of the state, its staff, the great administrators, the officials, they also illuminated us about military and the court system, the governors of the provinces and the scientific and educational institutions in the provinces. They mentioned the traditions and cultures of the people, the books published in the capital, the names of the authors of these books, besides, we can see the postal movement between the capital and the other provinces of Ottoman Empire. Historical artifacts in the provinces, permission to excavate historical artifacts, the results of the excavations, the names of those who carried out the excavations, statistics about religious minorities and foreign schools, newspapers of ethnic minorities published in different languages such as Hebrew and Armenian, contain information on foreign diplomats such as consuls and their locations, the population of students, the number of schools, the population of the state, the zoning movement, and more.

This study, which deals with the Ottoman yearbooks and the legal system in the province of Baghdad, has been examined in terms of their types and their emergence. The Ottoman state re-established the judicial system at the beginning of the Tanzimat period. It took the systems

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of the West and the laws of positive judgment. The Ottoman Empire created a civilized judicial system with institutions, courts and special laws, which differed from the religious court of law and Islamic law provisions from the western system. Such institutions emerged during the reign of Governor Mithat Pasha. In the first half of the XVIII. century the civil courts as well as the Shari'a courts in Baghdad continued to work until the end of the Ottoman period. The governor of Baghdad and the heads of administrative units in the province were responsible for enforcing the shari'a and civil jurisdiction provisions. Despite the division of the judiciary into shar'i and civil jurisdictions in the Ottoman state and the decrease in the authority of the shar'i judiciary after the civil judiciary emerged, the shari'a courts in Baghdad continued to do their own work until the end of the Ottoman state's rule. Sharia court judges held an important position in civil administrative institutions in Baghdad as permanent members of administrative boards. They were given the presidency of some civil judicial institutions and some important duties in the civil courts. When the governors of Baghdad left Baghdad, sometimes the judges of Baghdad became the assistants of the governors of Baghdad to replace them. Istanbul sometimes gives the governorship of Baghdad to one of these Qadi by Proxy.

Introductory

Baghdad is on the banks of the Tigris river. VIII. It became the capital of the Abbasids in the 16th century, and then in a short time it became an important center of culture, trade and thought in the Islamic world (El-Dûrî, 2008: 581). In addition, Baghdad housed a few basic academic institutions such as Beytü'l-Hikme. This city became famous worldwide as a science center in the last years of the middle age (Sahilioğlu, 2000: 519). The name Baghdad is related to the old settlements in the region belonging to the pre-Islamic period. Arab writers, thinking that the word is of Persian origin, researched Persian sources and made some theoretical explanations. The common belief is that the word means "God's bounty or gift". In addition to this view, which is accepted by most of the modern researchers, there are also those who claim that the word is of Aramaic origin and means "sheep pen" (Ed-Dûrî, 2008: 441).

The judicial system in the Ottoman state is considered to be the continuation of the judicial system of previous Islamic states. The Ottoman Empire presented a different appearance of its judicial system compared to that of other Islamic states. In the Ottoman Empire, every town had a Muslim judge who was open to the Islamic law and the court of religion (al-Azzavi, 1952: 48). Until the Tanzimat period, the system dominated in the Ottoman Empire was a single Qadi system. In addition, there was a community court, which was authorized to look at the cases of non-Muslims who were minority related to

Ahval-i Shah. There were also consular courts that resolved the legal disputes of foreigners in the Ottoman Empire. Thus, until 1839, three types of judiciary began. During the Tanzimat period, the judicial functions of the minority and consular courts were not interfered with. In matters that fall under the jurisdiction of the Sharia courts, the State has introduced a number of innovations. In this direction, the State tended to establish new courts. The Provincial Regulation was issued in 1864 (Marufoğlu, 1998: 95). In accordance with this regulation, civil and criminal courts, generally known as Nizamiye Courts, were established in districts, sanjaks and provinces. In each district, a qadi was formed as the chairman, and a Trial Council consisting of three members, Muslims and non-Muslims, was formed. In the sanjaks, the Board of Appeal was formed, consisting of a Qadi, half Muslim and half non-Muslim, and an official appointed by the government (El-Dûrî, 2001: 175-178). In the provinces, as the president, one of the Qadi inspector or a central representative who could be president, half a Muslim and the other half of which are non-Muslim members and a civil servant appointed by the government was formed. These committees and divans were the duties of the courts of first instance and appeal. In 1288/1872, the Ottoman State formed the regulation on the administration of the Nizamiye Courts. He decided to consist of two degrees of civil judicial institutions. These are the courts of first instance and appeal (Emecen, 1994: 404). The old system of the Nizamiye Courts has changed with the Organization Law of 1879, also known as the Organization Law. This study, which deals with the Ottoman Salnames, the legal system in the province of Baghdad and the court records of the Sharia in Baghdad; For the first time in the world and in the Ottoman Empire, the understanding of the Salname aims to examine the Salname types of the Ottoman Empire. In addition, the Ottoman Empire aims to examine the situation, judicial system and types of Baghdad during the period he ruled.

1.1. Concept of Ottoman Salnames

Ottoman Salnames are a historical resource. These are the annual books published by the Ottomans. Many information about Arab countries are considered a source for data, data, statistics and important numbers (Sami, 1998: 200). They also contain information about political situations. For example, it is seen that there are detailed information about the population numbers of the provinces and the shops and mosques in these provinces. In addition, there is historical information about the professions of the people of the region (Ayдын, 2009: 52). The Salname was originally used in Persian words and used in Ottoman Turkish. As a matter of fact, the word "Sal" means "year" in Persian; The word "name" means "book" or a booklet. The annual book is merged. The meaning of the Salname is the book containing

calendar, statistical, scientific, educational and historical information (Saban, 2000: 131).

The salname is different from the daily notebook ruzname. Salname is a concept used in Arabic and Persian. They are annual statistics about trade, industry, economy, history and science in a year. Turkish Researcher Dr. Süheyl Sapan explains the Salname as follows: It is the annual book that summarizes the most important scientific, literary and military events of the state in a special way (Saban, 2000: 132).

2. The Emergence of the Salname

The first Salname (Eser-i Senevi) in the world was in the second half of the 15th century in Vienna and later in Hungary, and even though it was published in Hungary, and the main publication was constantly in Germany in the mid-16th century. These works, which have been developed and expanded by year, XVII. The explanations and details of the subjects of that year, which determine the times related to the construction and not to do a job since the 19th century, have been arranged to be organized to include many hurufats (Palalı, 2010: 2). The first work in the establishment and publication of the Germans was the progress of the Germans in Science and Civilization, as the first work was tabulated in Vienna. Subsequently, the French and the British began to produce these works and not to fall behind the Germans and maybe they have tried to take them further, as well as other European states (Harip, 1983: 42).

After the annual book idea all over the world, the Ottoman Empire adopted the annual book idea. It deals with official figures and data. The Ottoman Salname began to be published in 1263/1847. Because the first number of salnames of the Ottoman Empire was published on this date. This salary is the first time in all different types. In official data, the Hijri calendar was based on (Ahmed, 1999: 49). According to sources, the last number of Ottoman Salname was in 1333-1334/1916. Because the last release of the scientific committee, the ilmiye string of 1334 (Ispirli, 2000: 145). Thus, this number was the last issue of the release of different types for seventy years.

With the efforts of some personalities who tried to publish the Ottoman Salname and made the program of this, these release emerged. Among these personalities are the most famous ones: Historian Hayrullah Efendi (d. 1866), Ahmet Vefik Efendi (1819-1890), a politician and literaryist, Historian, politician and administrator, Ahmet Cevdet Pasha (1822-1895), Culture and Culture and Behcet Efendi (M. XIX. Century) and politician Mustafa Reşit Pasha (1800-1858) (Topbaş, 1999: 376). Sultan Abdülmecit made Mustafa Reşit Pasha Foreign Minister of Foreign Affairs. It is said that Reşit Pasha saw the book of Gotha prepared by the Germans, wanted to publish a similar Ottoman book and ordered to remove the Salname-i Devlet-i Aliyye (Saban, 2000: 132).

The Ottoman Salnames are two parts: official and informal. Different parts of the official release are found and there are nine (Topkaya, 2007: 1-2). These Salnames; The official release of the Ottoman Empire is the system of the state, the cadres, the great administrators, the owners of the authority, the military and the judicial system, the governors of the provinces, the scientific and educational institutions in the provinces of the state, the famous days of the state, the traditions and cultures of the people, the books published in the capital, the names of the authors of these books The Ottoman Postal Movement, which came between other provinces, the historical monuments found in the provinces, the permission to excavate for historical artifacts, the results of the excavation work, the names of the excavation work, the statistics about religious minorities and foreign schools, the newspapers published in different languages such as Hebrew and Armenian, Elçi and foreign diplomats and places such as consul, the population of students, the number of schools, the population of the state, the zoning movement and other things. the number of schools, the population of the state, the zoning movement and other things contain information about other things.

The second of the official release is Military Salname (Şahiner, 1999: 2-3). This is called the Military Salname. This Salname XIX. century. The system, parts and cadres of the Ottoman army contain the names of the officers who perform important duties in the military, the signs of the military and the information about the soldier. Salname-i Bahriye also has a sea salary (al-Alaf, 1990: 196). A scientific commission under the supervision of the Navy publishes this. In this salary, there are information about the Ministry of Navy, the names, ranks and engagements of those responsible for this, the details of the navy of the Ottoman Empire, the varieties of the ships, the characteristics of the ships, and other than these. Another type of salname is the Foreign Salname. The directorate is published by the Ottoman Empire to record the situations under the supervision of the Ottoman Empire This Salname undertakes all the information about the Ottoman Embassies other than the Ottoman Empire, the names of the Ministry of Foreign Affairs of the Ottoman Empire, their term of office, the ministry organizations and organizations, the outside offices of the Ministry, the state representatives and their engagement. In addition, since the reign of Sultan Suleiman the Magnificent has contained historical information about foreign embassies in Istanbul (Harip, 1983: 144).

Scientific Board Salnamesi ilmiye Salnamesi is one of the historical value. Meshat was published by the authority in addition to the official newspaper. This Salname contains information about Meşihat Authority, its directing, functioning, history and the names of

employees. It also contains a number of fatwas issued by Muslim scholars (Ahmed, 1999: 49).

The Ministry of Education, the Ministry of Education, issued the Ministry of Education. This salary is considered the most important salname. As a matter of fact, it gives detailed and basic information about the history of education at different stages. This Salname deals with historical information about the first stage of education in the Arab provinces. Because this salary contains detailed information about statistical paintings and important maps about the schools, organizations, parts, names of those who work in different regions of the Ottoman Empire, as well as programs and directors related to the Ministry (Palalı, 2010: 2).

There are also annuals with historical value, such as the Observatory Yearbook, the Observatory Yearbook. This yearbook contains concise and useful information about the science of astronomy (EL-Alaf, 1990: 196).

This yearbook contains information about the history of the customs administration, its system, cadres, the names of the employees, the revenues from the customs and the regulations and regulations related to the customs affairs in the different provinces of the Ottoman Empire (Palalı, 2010: 3).

Probably the most important saline for the history of the Arab world is the provinces of the provinces. These release are the name of the province that publishes them. They provide important information about the administrative aspects in the province. In addition, they contain historical, geographical, economic, social, cultural, qualitative and statistical information. As a matter of fact, these release, geographical structures of the provinces, (İzgöre, 2001: 541) historical events; The names of the governor, civil servants, Qadi and officers, the official administrative system of the state, the demographic structure and the public about the tradition, life and livelihoods of the people are included. In addition, the trade, agriculture, food, wearing of the people in the province in the province deals with other important information in the province. In addition, there are detailed and regular tables and explanations about the official officers of the Arab countries and other information about the official officers of the Arab countries (al-Duri, 1992: 441).

When the Salname is removed by the provinces of the state, it is named after this province. For example, there are release such as “Baghdad Salnamesi”, “Basra Salnamesi” and Mosul Salnamesi”. Of these, it is the annual book issued by the provinces. These books include the events of the provinces, the names and ranks of the state men and the soldiers there, and the names of civil servants working in different offices of the government such as administration, education and military (Bayat, 2010: 22). In addition, the province

management contains the expenditures and the information about the districts, sub -districts and villages that are affiliated to it. If a special institution or individuals in the capitals of the capital Istanbul and in the capitals of the provinces, this salary becomes informal.

3. Legal System in Baghdad Province

The period that began with the proclamation of the Tanzimat in the history of Ottoman law was an important breaking point. Until this period, the Ottoman law, which continues to be based on Islamic law in terms of both courts and rules applied, has been significantly separated from this date in terms of both the courts and the laws prepared (Ekinci 2017: 15).

Gülhane Hatt-ı Hümayunu, which was declared in 1839, made the Tanzimat transfer equal to the state before the law. In addition, he promised to establish the Ahkâm-ı Courthouse Assembly and to increase his members in order to establish the reform laws he accepted as a duty and to carry out the works of the Nizamiye Court (Avcı, 2018: 167). In 1856, the reform Edict stated that the state courts' system should be revised and the establishment of mixed regular courts, which are facing the penal and trade cases of Muslims and non-Muslims (al-Najar, 1989: 321 * al-Mehmud, 2015: 35).

Two years after the last edict was issued, the State began to renew its judicial system according to western thought. The state enacted the Penal Code of Criminal Code on 28 Zilkade 1274/10 June 1858 (Gökçen, 1989: 13). Later, as an annex to this law, an additional law was enacted on 9 Shawwal 1276/1 May 1860, explaining the organizational principles of the commercial courts. After that, it was published on 6 Rabi-ul-Awwal 1280/21 August 1863 (Ekinci, 2017: 123-124). These institutions continued to work in the provinces where the Provinces System was implemented until the Nizamiye Courts Regulation was issued at the end of Shawwal 1288/11 January 1872. Because, after the system of nizamiye courts came out, nizamiye courts were established alongside the long-standing sharia courts (El-Dûrî, 2008: 581). One of the most famous governors of this period was Mithat Pasha. (1869-1872). Mithat Pasha revealed the new province system (Kılıç, 1997: 98-99). The governor had a assistant, a manager for external relations and a clerk (secretary). The province was divided into seven banners. Each of these banners was chaired by a governor of Mutassarıf. Mithat Pasha canceled some taxes. In 1869 he founded his first broadcasting house. The first official newspaper named Zevra was published weekly (al-Shellal, 2015: 250). This newspaper continued to be published until 1917. He destroyed the city walls of the city as a step towards renewal. The cultural movement continued after Mithat Pasha. The first primary school for girls was opened in 1899. In

1890, four primary schools were opened (al-Shellal, 2015: 251).

The judicial system of the Ottomans in the provinces, which includes the Baghdad province- has been two-way: Sharia and Nizamiya.

3.1. Sharia Courts

It has been an Islamic judicial system since it emerged in the Ottoman state. qadi, the symbol of Islam and state sovereignty, was the most important Qadi official in the Ottoman Empire. The Qadis are authorized to look at both the SRE and the customary law (İnalçık, 2000: 177 * Avcı 2018: 149). The Qadis were sitting in mosques or even in the bazaar to listen to their hostilities or witnesses, look at the cases that came to them, make decisions about these cases and solve all imports. Later, the qadis began to serve in the government mansions. Such courts, XVIII. Since the first half of the century, it has been in the province of Baghdad (Bekir, 1971: 186). In addition, Qadi Mind, Balığ Hur, Muslim, Fair, Eye - Headed Boys should have solid and knowledge (Avcı 2018: 150).

The Shaykh al-Islam department in the capital Istanbul was supervised by the Sharia courts in the province of Baghdad (Bayat, 2008: 11-12). The decisions of this court were appealed in Istanbul. The decisions of the courts in the accidents of the province were appealed in the Sancak Courts. The decisions of the Sancak courts were appealed in the Court of Sharia in the province center. The authority to supervise the Sharia courts in all provinces of the state was given to the supervision of justice from the Shaykh al -Islam Department in 1916 (Ekinci, 2002: 963).

The jurisdiction of the Sharia courts was not limited to their location. even if the court he wanted to file a lawsuit against was far from the place where the incident occurred, he was free to choose this court (Reuf, 2015: 68). The tasks that these courts were authorized to deal with were as follows: Cases related to inheritance, will, marriage, divorce, family and marital relations; certifying and verifying the documents containing the foundation texts; It is to record and approve the ownership transactions of streams and lands and the change of hands of these goods and to produce the shar'i evidences that determine this (Marufoğlu, 1998: 95).

There was a Qadi at the head of each Sharia Court in the center of the province, the starboard and the accidents (Aydın, 2015: 86). This apartment nominates one of the competent ones for the central judge of the Baghdad province. The apartment presents his name to Mabeyn-i Hümayun (Sultan Palace) in order to remove the decree about the appointment of this candidate. This edict includes many expressions of respect and reverence. For example, the following statements are included: Qadi The governor of the governors of Muslims, the governor

of the believers, the source of virtue and truth, Islamic law and the banner of religion, the heir of the sciences of the prophets, the assistant and the only owner of all things. (Aktaş * Binarık, 1986: 275). After reaching Qadi Baghdad and starting to work, he sets an assistant. This is called "bâb regent". This auxiliary helps the Qadi in making the decisions of evil and looking at the incoming lawsuits (Ekinci, 2002: 255).

As in menstruation, Qadi opens the registry of the Sharia as soon as it starts. In their first pages of these, he writes sentences that expressed the importance of this task and the necessity of making a fair decision. One of the Qads of Baghdad wrote the following text:

"Bismillahirrahmanirrahim... Praise be to Allah, who makes the judge with this valuable religious pencil, and establishes the world order with the documents and registry books between the nations. Salat and greetings to those who are sent as mercy with knowledge and wisdom. In this book, where these documents are recorded because of the need to protect the goods and solve the disputes between people, the work of starting and writing work is with the help of Allah. . God! Make it easier to be regular in all religious and worldly works. No and make our purpose together with eternal bliss. Allah, who knows everything, says: in Do not eat your property between you and you (unjust and haram roads). (Nisâ: 4/29). We have been ordered to judge a fair way among people. Because the Prophet (s.a.s.) said: 'It is better to be fair for one hour than worship for seventy years'. It is the most powerful and the most virtuous of worship at this time, especially in this time, in this time. We put your trust in Allah "(al-Najar, 1989: 329) ..

The Sharia court was in the center of the province. In this court, besides the qadi, there were his assistant (Bab Naibi) and some officials. These officials were presided over by the Chief Clerk. These officials are as follows: Revenue clerk, record clerk, expenditure clerk, two clerks who distribute the inheritance in a shar'a way, three officers for powers of attorney, one clerk for permits and invitations, and the director of orphans (Baghdad Province Salnama H. 1299: 75 & Al-Najar , 1989: 328). Two officers worked alongside this director.

3.2. Nizamiye Courts and Institutions

With the establishment of the Nizamiye courts, the sharia courts, which were the most important judicial organ of destiny from the establishment of the Ottoman Empire, were narrowed down, but they continued to exist. In the Tanzimat period, in addition to the innovations made in the political, social and cultural fields, serious regulations were made in the field of law, and nizamiye courts were established next to the shar'i courts. In 1876, Kanun-ı Esasi m. According to 87, shar'i cases are tried in sharia courts, Nizami cases are tried in nizamiye courts (Avcı 2018: 163).

As said before, the Ottoman Empire turned to establish the judicial system according to the laws and principles of the West during the Tanzimat period (Mumcu, 2007: 155). He followed a few laws benefited from the French law and followed this method. In 1847, these laws were established in order to take care of the criminal cases of Ottoman citizens and foreigners. Later, in 1864, in order to take care of the provinces of law and jazz, the Assembly of the Assembly, which reached the Muslim and non-Muslim members under the chairmanship of Qadi in the accidents, the Assembly of the Sanjaks and the Divan-ı Appeal in the provinces was established. In 1868, the decisions made by these courts examined the Divan-ı Ahkâm-ı Courthouse as the Mercii of the Council of Appeal (al-Najar, 1989: 329 * Avcı 2018: 165). These institutions are also as follows:

Baghdad Province Commerce Board: This committee was in the province center and one of the judges of the Nizamiye Court would chair it (Baghdad Vilayet Salnama H. 1300: 75). This board contained members according to the needs of each province. In this board, the decisions of the Sancak Trade Board and the Sancak Appeal Board were appealed. The trade board was located in the center of each banner. There were six members of this board. Half of these members were Muslims and the other half were non-Muslim (Baghdad Vilayet Salnama H. 1292: 101).

Sanjak Trade Board: This board was located in the center of each sanjak. It had a president and a few members from the court of law judges (Baghdad Province Salnama H. 1292: 67).

Accident Litigation Committee: There was this committee in each accident. This was presided over by a qadi of Sharia law. It had three members (Baghdad Province Salnama H. 1292: 73-78). At the beginning of 1872, the state enacted the Regulations of Nizamiye Courts. This regulation; He stated that the courts of order in the provinces consist of two levels, the courts of first instance and the courts of appeal (Emecen, 1994: 404). However, the regulation brought about by the Provincial Regulations in 1864 for the institutions, started in the XX. It continued to be in force in the province of Baghdad until the seventies of the century. These institutions in the province of Baghdad are (Bekir, 1971: 186 & Alshalal, 2015, 245(Charles, 1999 #58)).

Baghdad Province Court of Appeal: This court was presided over by one of the judges of the regular court. Six members of this group will be elected from among the public. Among these members were Jews and Christians. This divan was attached to the office called the Court of Appeal (El-Azzavi, 1952: 48). This department was headed by the Serkâtip (Chief Clerk). There was a vice president. There was a Chief Inquisitor and eleven officers in this office (Baghdad Province Salnama H. 1292: 50).

Baghdad Sanjak Law and Penal Council Board: There were two presidents of this board. The first president was Islamic law. The second president was one of the judges of the Nizamiye Court. In this board, there were four believers (appealing the decision). One of them was Jewish and one Christian. In addition, there were punishment clerk, law clerk, an investigator and three clerks (Baghdad province Salnama H. 1309: 120).

Baghdad Sanjak Commercial Court: One of the judges of the Nizamiye Court was chaired by this court. There were two permanent members of this (Baghdad Province Salnama H. 1325: 85). There were three elected members. One of them was Jewish. There were also three clerks (Baghdad province Salnama H. 1292: 69).

Basra Sanjak Law and Criminal Appeal Committee: This was chaired by the Islamic law judge in the sanjak. He had four custodians (appealing the decision). There was also a clerk and an assistant (Baghdad Province Salnama H. 1292: 109).

Basra Sanjak Commercial Court: This was presided over by a regular judge. It had six members and a secretary (Baghdad Province Salnama H. 1292: 111).

3.3.1. Qadi's Authority and Duties

Before the Tanzimat period, qadi's administration authority was very wide. The Qadi were authorized to implement the provisions of the Sharia (al-Sayad, 2007: 407). The qadis were appointed in the Hanafi sect, and in the regions of the other population of the other population, some cases were referred to the Naibe from the defendant sect to the Hanafi qadi (Avcı, 2018: 156). Qadi would carry out judicial works among people. He would listen to the cases, look at the cases and make decisions. In addition, all cases such as dividing the legacy, controlling the property of orphans and people who were missing, making marriage contracts and fulfilling the will (Marufoğlu, 1998: 125).

Qadi would check the taxes in his region and how much the taxes agree with the information registered in the Sharia court records (Saban, 2000: 132). Because qadi, not only in court legal issues, but also in various issues such as military, beledi, local and notary public is responsible for various issues in the registry of all kinds of documents can be found (al-Sayad, 2007: 407).

Qadı Ağnâm would sign the books and tribute books of those who collected their taxes (resm-i Ağnâmcı). Qadi supervised the implementation of commercial affairs in his region (El-Sarhan, 2018: 210). This was done according to the information in the documents sent to the qadi about checking the assurance of the execution of commercial affairs according to the orders and edicts issued by the state. One of the most important duties of the qadi was the issues that people needed most in economic terms in general. These duties are to determine the prices of all products and foodstuffs in the market and

to supervise adherence to it. Sometimes the qadi also carried out the works of the foundation (Saban, 2000: 76).

In the meantime, according to the orders of the state, the governor of the state or the Sancak Bey together with voluntary soldiers. In addition, qadi used to do administrative works in the province or starboard where he worked. When qadi did his duty, when he returned to the capital, he would present information about the situation of the region he came to to the authorities in the capital Istanbul. Before the appointment of the officer of the officer and the acquittal of the officer's appointment could not perform the administrative task determined for him before he was registered in the court as a proof of the appointment (al-Sayad, 2007: 408). This was the same for those with grooming lands. This was the only way to be sure of the personalities of the civil servants sent to the provinces, especially to those who are distant, or to confirm the accuracy of the acquittal of trade to some persons. Because there was almost no state sovereignty on distant provinces (al-Sayad, 2007: 408). In addition, the orders sent to distant provinces could take days or even months. In theoretically, these are the powers of women. In addition, in practice, there were other powers superior to the authority of women in the province or sanjak, such as the authority of the Governor and Sancak Bey. Some of them sometimes limited the authority of the judge. Sometimes the governor was able to increase taxes or put new taxes not found in the registers of the qadi (Abdin * al-Juburi, 2016: 278). Sometimes the taxpayers were not bound to the judge's decision on tax collection when they were far from the control of women, especially in the village. Sometimes the authority to control foundations was given to other persons except qadi (Canpolat, 2012: 34).

3.3.2. The Income and Fee of The Qadi

The Qadis would not receive salaries from the state, their wages, the fees they received from their lawsuit and the fees they made. Every qadi would take his wage according to his rank. For example, the highest judicial authority in Iraq, Baghdad qadi, was a wage of 500 funds. Mosul, Basra and Şehrezûr qadi, such as the second -degree starboard qadis and the daily wages of the city qadis were only 300 coins. The qadi of the accident were after the Sancak qadi and the third -degree qadis. Their daily wages ranged from 20 to 40 akçe. Sometimes it reached 150 akça (al-Dûrî, 2001: 175-178).

In addition to these legally detected fees, there were other income of the qads. These are fees imposed on different cases. Sultan Bayezid I (1389-1402) heard that some of the Qadi took bribes because of the small salaries of the qadis (Arık, 1999: 19). These revenues are called "document fees .. Document fees are as follows.

Division Mortar (Picture of Kismet): This mortar is a mortar in response to the judge's legacy to varicose veins. He would make the inheritance of public officials. As a result of dividing the legacy, a certain amount of fees were taken (Aydın, 1999: 465).

The sharing fee was legally determined. The amount of this changed from time to time. Because XVI. Until the end of the century, the amount of this was 20 coins per 1000 akçe. So this mortar was taken as 2 %. Then XVII. century, this mortar fell to 15 coins per 1000 coins. In other words, this mortar was 1.5 % (al-Sarhan, 2018: 209).

Marriage fee: This is a fee related to the marriage contract (Arık, 1999: 20). The fee charged by the qadi for marrying off a virgin girl was different from the fee for marrying off a widow. 25 akce was charged for the marriage of a virgin girl and 15 akce for the marriage of a widow. Of these fifteen coins, ten belonged to the qadi, and the other five belonged to the judge's assistant and clerk. This fee was different from the fee that the sipahi (cavalry commander) received from his own subjects and married. This was called Arus Painting (El-Sayad, 2007: 408). This mortar was applied by the sipahi. It was even taken from Christians who were within the iqta limits of the sipahi and got married. On the other hand, the qadi did not receive a fee from the marriage contracts of the Christians (El-Sarhan, 2018: 210).

Book Mortar: (Official-i Kitâbet): This mortar; The judge, who came to him and received the cases recorded in the courts. His amount was 25 akç. 20 of this was the qadi and the other 5 akçis was the assistant and clerk (al-Dûrî, 2001: 78 * al-Mumeyez, 1985: 54).

Conclusion

The Ottoman Empire rebuilt the judicial system at the beginning of the Tanzimat period. The Ottoman Empire constituted a judicial system from the Western system that was different from the provisions of the Sharia Court and the provisions of Islamic law and has institution, court and special laws. Such institutions emerged in Baghdad during the reign of Governor Mithat Pasha. XVIII. Since the first half of the century, the Sharia courts in Baghdad continued to work until the end of the Ottoman period. The governor of Baghdad and the heads of the administrative unit in the province were responsible for implementing the provisions of Sharia and Nizamiye.

After the emergence of the Sharia Court of the Judiciary in the Ottoman Empire and the Court of Nizamiye, the Sharia courts in Baghdad continued to do their own business until the end of the administration of the Ottoman Empire. The judges of the Court of Nizamiye in Baghdad, as permanent members in the administrative

boards, had an important position in administrative institutions. The presidency of some judicial institutions and some important tasks in the courts were given to them. When the governors of Baghdad left Baghdad, sometimes the women of Baghdad would be the assistants of the governors. Istanbul sometimes gave the governor of Baghdad to one of these qadi.

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