

# The Significance of Muslim Traditional Legal Culture in Xinjiang to Modern Society

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**Keywords:** Muslim, Traditional legal culture, Modern society, Xinjiang.

**Abstract:** The Muslim traditional legal culture is a regional culture of ethnic minorities that has been merged with the local cultures in the Xinjiang region for thousands of years. An important tool to deal with the problems in Xinjiang is the law, which can also regulate the people and maintain stability of society. At the same time, Muslim traditional legal culture plays a key role in handling social relations in Xinjiang and stabilizes social order. By expounding the traditional legal and cultural connotation of Muslims, this paper analyzes the traditional legal and cultural content of Muslims, and summarizes some suggestions of Muslim traditional legal culture to govern Xinjiang in modern society.

## 1. Research background

### 1.1 Literature review

Zu Tong and Meng Lingjun once believed that in the historical development of ethnic minorities, the traditional legal culture of ethnic minorities has positively learned from the experience of enriching regional ethnic autonomy management, and can effectively improve the governance effect of China on ethnic minority areas (Zu and Meng, 2015). Li Shiyu once believed that with the gradual advancement of China's modern legal system, the traditional legal culture of ethnic minorities should also conform to the needs of modern legal system, combine the traditional legal culture of ethnic minorities with the modern legal system, improve the construction of China's legal system, and reflect the national unity of the nation. (Li, 2015). In the past, Cheng Jing believed that the traditional legal culture of ethnic minorities, as part of the traditional culture of ethnic minorities, has an important influence on ethnic minority areas. By studying the excellent legal culture of ethnic minorities, it can play a facilitating role in the modernization of Chinese legal system (Cheng, 2015). Wu Hao once believed that with the rapid development of the times, although the traditional legal culture of Chinese ethnic minorities has gradually lost its dominant position, people have a positive role in the construction of China's modern legal system. The traditional legal culture of Chinese ethnic minorities can provide certain solutions to the problems encountered in the process of China's legal system construction (Wu, 2016). Wang Baizhong and Wen Jing once believed that by studying the traditional legal culture of ethnic minorities, they can understand the customs and beliefs of ethnic minority areas in the process of combining the local customs and habits of ethnic minorities with the modern rule of law, and thus effectively manage minority areas (Wang and Wen, 2015).

### 1.2 Purpose of research

With the continuous deepening of China's legalization process, the traditional legal culture of ethnic minorities has become an indispensable subject in the process of Chinese legalization. The traditional legal culture of ethnic minorities can not only provide the country with reference for the governance of ethnic minority areas, but also provide certain experience in dealing with ethnic issues (Guo, 2019). Although the society is constantly improving, the traditional legal culture of a few ethnic groups has always had psychological identity in the hearts of a few famous people. However, at present, there are many articles on the traditional legal culture of other ethnic minorities, but few scholars have studied from the perspective of Muslim traditional legal culture in Xinjiang. Therefore, from the perspective of Muslim traditional legal culture, this paper further

analyzes the significance of Muslim traditional legal culture and cultural content, and further explores its significance to China's modern society, in order to provide some reference for the advancement of China's legalization process.

## **2. Muslim traditional legal culture**

The Muslim traditional culture law was born under the soil of Xinjiang culture. It is a combination of legal thoughts and norms rich in Muslim characteristics formed according to relevant legal cognition for a long time.

First of all, the Muslim traditional legal culture is deeply influenced by Islam and has a certain religious nature. The development of Islam affects the taboo norms and cultural practices of Muslims. As early as the middle of the Tang Dynasty, Islam began to spread religious culture in Xinjiang. Until the 15th century, Islam achieved unity of faith in Xinjiang. Under the influence of Islam, various ethnic groups in Xinjiang have created a unique Muslim culture. Second, the traditional Muslim legal culture has a national character. Among the ethnic groups that believe in Islam in Xinjiang, Hui, Sala, Baoan and Dongxiang are not only in Xinjiang, but also in other parts of China. These ethnic groups also abide by the religious laws and regulations of Islam within a certain scope. Third, the Muslim traditional legal culture has a certain regional nature. Xinjiang is the province with the largest geographical area in China. According to its geographical location, Xinjiang is divided into two parts from the Tianshan Mountains. In different regions of the North and the South, different ethnic groups have formed different Muslim cultures. With the changes in culture, relevant laws and regulations are also under the influence of culture, forming traditional Muslim laws and regulations with regional characteristics. Finally, Muslim traditional legal culture has a moral character. In the traditional Muslim legal culture, all conforming to the teachings of Islam are considered to be of a moral nature. In the values of Muslims, the standard of Islamic ethics is often used to judge everything. In the political, economic and cultural activities of Muslims, they have been marked with religious morality. Muslims have adopted the principle of religious ethics as a good solution to the problems of Muslim society.

## **3. Muslim traditional legal culture content**

The Muslim culture has rich cultural content and is gradually formed during the development of Muslim believers. It contains all areas of Muslim life and is a special culture that preserves the harmony of Muslim society. Therefore, Muslim traditional legal culture emphasizes fairness and justice. Fairness and justice, as the basic code of conduct for Islam, involve many aspects of Muslim life. The teachings of the Faculty in the Qur'an deeply influence the Muslim legal thoughts. For example, "I am the people of Zhongzheng, so that you can testify to the world", "People in the channel! You should safeguard justice and testify for God."

Nowadays, the social and cultural aspects of Muslims also embody fair and just ideas in folk activities. For example, in the case of the distribution of inheritance, according to the provisions of Islamic law, the debts owed by the Muslims need to be repaid with the estate of the deceased and are being distributed. In terms of commerce and lending, Muslims are also deeply influenced by Islamic law. Take the Uighurs as an example. The Uighurs have always focused on commercial trade, as long as the goods that can be bought and sold will be brought to the market (Bazar) for trading. Due to the influence of Muslim traditional culture, items that cannot be eaten and used are prohibited from being traded on the market. In terms of lending, Uighurs are allowed to borrow but are not allowed to charge interest, because in Muslim culture, interest is prohibited. At the same time, influenced by the traditional Muslim legal culture, Uighurs are very jealous of debt deaths and will insist on paying off their current debts before they die.

In addition to fairness and justice, the smooth flow of traditional legal culture by Muslims also promotes the idea of suppressing evil and promoting good. This kind of thinking has played an important role in the development of Xinjiang in the past millennium. When Islam was introduced into Xinjiang, the idea of suppressing evil and promoting goodness also entered the traditional legal

culture of all ethnic groups in Xinjiang with Islam. For example, in the Uyghur “Fule of Wisdom”, there is a similar description, such as “do not do evil, insist on good deeds”, “do not waste time, do good deeds in time.”

Muslim traditional laws and regulations have become the ethics of Muslim followers' obedience over time. These ethics go deep into all aspects of Muslim society. For example, when Muslims eat, they can't picky eaters on the food on the plate, and they can't make indecent actions when they can't eat again. According to the “Geographical Mapping of Western Regions”, “the sentence of criminal law needs to be sent to discretion according to the Qur'an or the Sunnah.” These illustrate Muslim laws and regulations and go deep into the Muslim society of Xinjiang. At the same time, because the law of Islamic criminal law determines the crimes of theft, robbery, murder, etc., in the traditional Muslim legal culture, the above crimes are also sentenced according to severe punishment.

#### **4. The significance of muslim traditional legal culture in modern society**

After the founding of China, many national laws that did not conform to the state's regulations were abolished by the government, and gradually formed the unification of Chinese laws and regulations and improved the Chinese national legal culture. However, the traditional legal culture of Muslims cannot be denied by the establishment of national laws and regulations. Because the traditional culture of Muslims has played a role in maintaining regional stability in different periods of development in Xinjiang, it has important historical value. The Muslim traditional legal culture has played an active role in Xinjiang and throughout China, and these roles have become an important auxiliary for China's governance of Xinjiang.

##### **4.1 Standardize Muslim behavior and maintain social order**

When Muslim traditional legal culture is combined with modern Chinese law, it will form a wide range of sanctions and many types of sanctions. Therefore, the construction of social order and the adjustment of social relations in Xinjiang cannot be regulated only by Chinese national laws and regulations. It is also necessary to combine with the traditional Muslim legal culture in Xinjiang and work together through various norms. Judging from the many riots in Xinjiang in recent years, it has already threatened the lives and property of the people in Xinjiang and caused serious social impact. Since the main members of the Xinjiang rioters are local people, according to the crime prevention theory of “prevention is better than blow”, China must use the excellent traditional Muslim legal culture to regulate the behavior of the people in Xinjiang and make riot attacks. And gradually disappeared.

##### **4.2 Prevent the expansion and spread of religious extreme thoughts**

At present, the risk factors affecting social stability in Xinjiang are riot attacks, while religious extreme ideas provide an important means of development and expansion of riot activities. Therefore, in preventing and eliminating the spread of religious extreme ideas, we must not only rely on the attack of Chinese national legal weapons, but also the excellent traditional Muslim legal culture and regional customs. The combination of such national laws and the fine Muslim traditional legal culture can have a positive effect on the patriotism and law-abiding nature of the people in Xinjiang, and effectively combat the expansion and spread of religious extreme thoughts.

##### **4.3 Facilitate the resolution of civil disputes**

The traditional laws and regulations of Muslims are the norms of spontaneous and voluntary traditional behaviors of people of all ethnic groups in Xinjiang. The use of judicial means to resolve civil disputes is not the most effective way to deal with problems in Xinjiang. Because the traditional Muslim legal culture has universal identity and unity in Xinjiang, it has a huge role in solving civil disputes. At the same time, in the Xinjiang region, Muslim traditional legal culture can also play an active role in promoting social harmony in terms of interpersonal relationships.

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