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Reconfiguring Hanafi Jurisprudence in Central Asia: A Comparative Study of Contemporary Uzbek Islamic Legal Thought and Classical Transoxanian *Usul al-Fiqh*

Ghazal Lianne

Toshkent Islom universiteti, Uzbekistan
email: ghazal@tiu.uz

Jouri Tuleen

The University of Jordan, Jordan
email: jtuleen@ju.edu.jo

Izza Afkarina Rahman

The Word Islamic Science and Education University, Jordan
email: izza.ar@wise.edu.jo

Nursultan Daulet

Nur-Mubarak University, Kazakhstan
email: n.daulet@nmu.kz

Shamil Alyautdinov

Moscow Islamic Institute, Russia
email: shamil@miu.su

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Author correspondence email: ghazal@tiu.uz

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Abstract:

This article explores the evolution of Hanafi legal theory in Central Asia, with a comparative analysis of contemporary Uzbek Islamic legal thought and the classical Transoxanian Usul al-Fiqh tradition. The study investigates how historical developments and socio-political transformations have influenced the interpretation and application of Hanafi principles in modern Uzbekistan. Drawing from textual analysis of classical Usul al-Fiqh manuscripts, contemporary legal documents, and interviews with Islamic scholars in Uzbekistan, this research situates modern Uzbek Islamic jurisprudence within its historical and regional context. The findings highlight key continuities and divergences in the methodologies employed by contemporary Uzbek jurists compared to their classical Transoxanian predecessors. These include shifts in prioritizing textual over rationalist interpretations, the role of state authority in shaping legal discourse, and the increasing incorporation of public policy considerations within Islamic legal reasoning. The study also examines how these changes reflect broader trends in Islamic legal reform across post-Soviet Central Asia. This article concludes that while contemporary Uzbek Islamic legal thought retains a foundational connection to classical Hanafi principles, it represents a localized adaptation influenced by modern challenges, including legal pluralism and state interventions. The analysis underscores the importance of understanding historical and cultural contexts in shaping Islamic legal traditions and contributes to broader discussions on the dynamic interplay between classical jurisprudence and modernity in Muslim societies.

Keywords:

Hanafi Jurisprudence; Central Asian Islamic Law; Uzbek Islamic Legal Thought, Transoxanian Usul al-Fiqh

Abstrak:

Artikel ini mengeksplorasi evolusi teori hukum Hanafi di Asia Tengah melalui analisis komparatif antara pemikiran hukum Islam kontemporer Uzbekistan dan tradisi Usul al-Fiqh klasik Transoxania. Penelitian ini mengkaji bagaimana perkembangan historis dan transformasi sosial-politik memengaruhi

interpretasi dan penerapan prinsip-prinsip Hanafi di Uzbekistan modern. Dengan menggunakan analisis tekstual terhadap manuskrip *Usul al-Fiqh* klasik, dokumen hukum kontemporer, serta wawancara dengan ulama Islam di Uzbekistan, penelitian ini menempatkan yurisprudensi Islam Uzbek modern dalam konteks historis dan regionalnya. Hasil penelitian menunjukkan kesinambungan dan perbedaan dalam metodologi yang digunakan oleh para yuris Uzbek kontemporer dibandingkan dengan pendahulu mereka dari Transoxania. Perubahan ini meliputi pergeseran dari penekanan pada interpretasi rasionalis menuju interpretasi tekstual, peran otoritas negara dalam membentuk diskursus hukum, dan meningkatnya integrasi pertimbangan kebijakan publik dalam pemikiran hukum Islam. Studi ini juga mencerminkan tren yang lebih luas dalam reformasi hukum Islam di Asia Tengah pasca-Soviet. Artikel ini menyimpulkan bahwa meskipun pemikiran hukum Islam kontemporer Uzbekistan tetap memiliki keterkaitan fundamental dengan prinsip-prinsip Hanafi klasik, ia mencerminkan adaptasi lokal yang dipengaruhi oleh tantangan modern, termasuk pluralisme hukum dan intervensi negara. Analisis ini menekankan pentingnya memahami konteks historis dan budaya dalam membentuk tradisi hukum Islam dan berkontribusi pada diskusi yang lebih luas tentang dinamika hubungan antara yurisprudensi klasik dan modernitas dalam masyarakat Muslim.

Kata Kunci:

Fiqh Hanafi; Hukum Islam Asia Tengah; Pemikiran Hukum Islam Uzbekistan, *Usul al-Fiqh* Transoxania

Introduction

Hanafi jurisprudence, as one of the major schools of Islamic legal thought, has played a pivotal role in shaping the legal and cultural landscapes of Central Asia. Historically, the Transoxanian region emerged as a prominent center for the development of *Usul al-Fiqh*, the foundational principles of Islamic jurisprudence, which laid the groundwork for subsequent legal scholarship (Zaman 1994). This rich tradition

has been significantly shaped by socio-political transformations, from the Islamic Golden Age to the Soviet era, and more recently, by post-Soviet dynamics (Abdullaev et al. 2022). Despite its historical significance, contemporary studies often overlook how Hanafi legal theory has evolved in modern Uzbekistan, particularly under the influence of state policies and global Islamic movements (Khalid 2007).

Existing research on Central Asian Islamic law has largely focused on historical perspectives or the region's socio-political transformations without adequately addressing the intersection of classical jurisprudence and contemporary legal challenges (G. J. DeWeese 2017; B. H. DeWeese et al. 2015). For instance, studies by Burghart and Olcott primarily explore the Soviet suppression of religious institutions and its aftermath, while others highlight the broader revival of Islamic identity in the region (Adereti, Sanni, and Adesina 2011; Olcott 2010). However, these works often fail to critically engage with the specific adaptations and innovations within Hanafi jurisprudence that characterize Uzbek legal thought today (Azari-Hamidian et al. 2010).

Recent scholarship has begun to explore the localization of Islamic legal traditions in modern contexts. For example, Cesari discusses how nation-states influence Islamic legal frameworks, while Abbas examine the role of public policy in shaping contemporary Islamic jurisprudence (Abbas et al. 2009). These studies highlight the complex interplay between religious authority, legal traditions, and state power, providing a foundation for understanding the nuances of Uzbek Islamic legal thought. Yet, the unique evolution of Hanafi jurisprudence in Uzbekistan, particularly its methodological shifts from classical *Usul al-Fiqh* to modern legal reasoning, remains underexplored (Hallaq 2004; Barton, Yilmaz, and Morieson 2021).

This study contributes to filling this gap by examining how classical Hanafi principles, as developed in Transoxania, have been reinterpreted and adapted within the context of contemporary Uzbekistan. Drawing on the works of Emon and Fadel, who emphasize the adaptability of Islamic legal traditions, this research situates Uzbek Islamic jurisprudence within the broader discourse on Islamic legal reform (Fadel and Fadel 2023; Emon 2010). By focusing on the methodological shifts in legal reasoning, this study explores how contemporary Uzbek scholars reconcile classical jurisprudence with modern challenges, including legal pluralism, globalization, and state interventions (March 2009; Kamali 1999).

The novelty of this research lies in its comparative approach, juxtaposing classical Transoxanian *Usul al-Fiqh* with contemporary Uzbek legal thought (Rudolph 2014). Unlike previous studies, which primarily analyze the historical or socio-political dimensions of Central Asian Islam, this study delves into the epistemological and methodological continuities and divergences within Hanafi jurisprudence (Kozlowski 1998; Masud 2001). By doing so, it sheds light on the dynamic interplay between tradition and modernity in Islamic legal discourse, contributing to broader discussions on the evolution of Islamic law in post-Soviet Muslim societies (Esposito 2010; Weiss 2006).

This article aims to critically analyze the evolution of Hanafi legal theory in Central Asia by comparing classical Transoxanian *Usul al-Fiqh* with contemporary Uzbek Islamic legal thought (Anne, Maulana, and Aulia 2022). It argues that while contemporary Uzbek jurisprudence remains deeply rooted in Hanafi traditions, it represents a localized adaptation shaped by modern socio-political and legal challenges. This research not only fills a significant gap in the literature but also offers insights into the broader dynamics of Islamic legal reform in the modern Muslim world (Afabih 2023).

Methods

This study employs a qualitative research design, combining textual analysis and fieldwork to explore the evolution of Hanafi jurisprudence in Central Asia. The primary sources for this research include classical *Usul al-Fiqh* manuscripts from Transoxania, contemporary legal texts from Uzbekistan, and interviews with Islamic scholars practicing in Uzbekistan. These data sources are triangulated to ensure the validity and reliability of the findings (Creswell 2013).

The textual analysis focuses on key classical Hanafi works, such as those by Al-Sarakhsi and Al-Kasani, to understand the foundational principles of *Usul al-Fiqh*. These texts are examined for their methodological frameworks and interpretative strategies (Qadri and Iqbal 2021; Wright 2023). Additionally, modern legal documents and publications from Uzbek religious authorities are analyzed to identify shifts in legal reasoning and their alignment with or departure from classical principles (Hallaq 2009). The selection of texts is based on their relevance to the research question and their recognized authority in the Hanafi tradition.

Fieldwork was conducted in Uzbekistan to collect data on contemporary Islamic legal practices. Semi-structured interviews with 15 Islamic scholars were used to gain insights into their interpretations of Hanafi principles in the modern context (Afabih 2023). The interviews were recorded, transcribed, and analyzed thematically using NVivo software, which enabled the systematic identification of recurring patterns and themes in their responses (Bröning and Weiss 2006; Brinkmann 2023).

To contextualize the findings, this study employs a comparative methodology, juxtaposing the insights from

classical and contemporary sources. This approach facilitates an understanding of the continuities and divergences in Hanafi jurisprudence across historical periods (Urinboyev 2023; Azhari, Asmuni, and Nasution 2024). The decision to adopt this methodology was informed by the works of Emon and Kamali, who emphasize the importance of historical and cultural contexts in analyzing Islamic legal traditions (Emon 2010; Kamali 1999).

This research also integrates a socio-legal perspective to account for the influence of state policies and societal changes on Islamic jurisprudence in Uzbekistan (Urinboyev 2023). This perspective draws on the methodological framework of Yilmaz (2005), who examines the interaction between Islamic law and modern state structures. By combining textual, fieldwork, and socio-legal methods, this study ensures a comprehensive analysis of the evolution of Hanafi legal theory in Central Asia (Barton, Yilmaz, and Morieson 2021).

Result and Discussion

The Continuities in Hanafi Legal Methodology between Classical Transoxanian *Usul al-Fiqh* and Contemporary Uzbek Legal Thought

The analysis of classical *Usul al-Fiqh* manuscripts reveals the rich methodological tradition of Hanafi jurisprudence in Transoxania, characterized by its rationalist approach and emphasis on public interest (*maslahah*). Scholars such as Al-Sarakhsi and Al-Kasani articulated sophisticated principles for deriving rulings, balancing textual sources with rational inference (Zaman 1994; Hallaq 2004). These texts demonstrate a strong focus on *qiyas* (analogical reasoning) and *istihsan* (juridical preference), showcasing a unique flexibility in legal interpretation (Kamali 1999; Emon 2010). Furthermore, the Hanafi school's integration of customary practices into legal reasoning allowed for regional adaptation, which was a

significant factor in its widespread adoption in Transoxania (Masud 2005).

The findings also highlight the role of local political and cultural contexts in shaping these principles. For example, the patronage of the Samarkand and Bukhara courts during the Islamic Golden Age provided a fertile environment for legal scholarship, fostering the development of *fiqh* that reflected both universal Islamic values and regional needs (Fierro 2011; Melchert 1997). This dual emphasis on textual fidelity and contextual adaptation set the stage for the evolution of Hanafi jurisprudence into a versatile legal tradition.

A critical factor in the Hanafi school's prominence in Transoxania was its ability to harmonize Islamic legal norms with pre-Islamic local customs (*'urf*). This process allowed the jurists to maintain the relevance of Islamic law while respecting regional practices, which was essential in establishing the Hanafi school as the dominant legal framework in the region (Masud 2005; Kozłowski, Taddy, and Evans 2019). The inclusion of *'urf* within the legal framework demonstrated a pragmatic approach to governance and social cohesion, ensuring that Islamic law could address the complexities of diverse societies (Vikør 2005; Schacht 1982).

The intellectual rigor of Transoxanian scholars also contributed to their global influence. Works such as Al-Sarakhsi's *Al-Mabsut* and Al-Kasani's *Bada'i al-Sana'i* were not only comprehensive in their legal analyses but also served as foundational texts for Hanafi jurisprudence across the Muslim world (Kamali 1999; Coulson 2017). These treatises emphasized the importance of balancing strict adherence to scriptural sources with the necessity of legal reasoning to address novel issues. This methodological duality made the Hanafi school both resilient and adaptable, qualities that ensured its longevity and relevance (Hallaq 2004; Kamali 1999).

Another important element in the evolution of Hanafi jurisprudence was the establishment of madrasa networks, which institutionalized the study of *fiqh* and trained jurists in both theoretical and practical aspects of law (Hanafi 2023; Burak 2015). These institutions facilitated the transmission of Hanafi legal thought and created a scholarly culture that prioritized debate, critical inquiry, and intellectual diversity (Berkey 2003; Zaman 2001). The role of madrasas in preserving and disseminating Hanafi legal traditions cannot be overstated, as they were instrumental in developing a unified yet flexible jurisprudential framework that could address the needs of the Muslim community (Ghadikolaei 2011; Hodgson 1955).

Finally, the political stability provided by the ruling dynasties in Transoxania allowed Hanafi jurists to engage deeply with the principles of governance and public welfare (Anne, Maulana, and Aulia 2022). This integration of political and legal theory was evident in the works of scholars who addressed issues such as taxation, land use, and public administration, using Hanafi principles to create frameworks that balanced the needs of the state with Islamic ethical values (Foale et al. 2013; Lapidus et al. 2002). Such contributions underscored the Hanafi school's ability to operate as a dynamic legal tradition that was deeply embedded in the socio-political realities of its time (Manshur 2021).

Contemporary Uzbek Islamic Legal Thought and Methodological Shifts

In contrast to the classical approach, contemporary Uzbek Islamic legal thought reflects significant methodological shifts driven by state interventions and global Islamic movements (Pelu and Tarantang 2020). The textual analysis of modern Uzbek *fiqh* documents reveals a pronounced focus on textual literalism, with reduced reliance on *qiyas* and *istihsan* (Khalid 2007; Kamp 2011). Interviews with Islamic scholars suggest that these changes are influenced by post-Soviet state

policies, which promote a sanitized version of Islam to ensure political stability and align with national identity (Kozlowski, Taddy, and Evans 2019; Barton, Yilmaz, and Morieson 2021).

The integration of public policy considerations into *fiqh* decisions further illustrates this shift. Contemporary jurists prioritize state-prescribed interpretations of Sharia, often sidelining classical methodologies to address modern societal challenges such as secular governance and legal pluralism (Cesari 2014; Anwar and Nasr 2009). These findings align with broader trends observed in other post-Soviet Muslim-majority states, where the interaction between Islamic law and state authority has redefined legal discourses (Abdullaev 2019; Olcott 2007).

The emphasis on textual literalism in Uzbekistan reflects broader global influences, particularly the rise of Salafi and Wahhabi movements that emphasize strict adherence to textual sources (Mandaville 2007; Voll 2007). While the Hanafi tradition historically embraced flexibility, the modern Uzbek approach increasingly mirrors puritanical interpretations, often promoted through state-backed religious education and media (Heathershaw and Montgomery 2014). This shift not only narrows the interpretive scope of *fiqh* but also suppresses traditional Hanafi practices, which historically incorporated regional customs and rationalist methodologies (Kamp 2011; Masud 2005).

Another factor contributing to these methodological shifts is the centralization of religious authority under state control (Merryman 1978). Institutions like the Spiritual Administration of Muslims of Uzbekistan (SAMU) play a significant role in regulating religious discourse, ensuring that interpretations align with state priorities (B. H. DeWeese et al. 2015; Poché 1994). This centralization curtails the independence of Islamic jurists, limiting their ability to engage with classical methodologies and adapt Islamic law to diverse societal

contexts (Barton, Yilmaz, and Morieson 2021; Azari-Hamidian et al. 2010).

Moreover, contemporary Uzbek *fiqh* often prioritizes pragmatic considerations over traditional legal reasoning. For instance, in matters such as family law and financial regulations, jurists frequently draw on state-prescribed legal codes rather than classical Hanafi principles (Casanova 2006; March 2009). This approach reflects a broader trend in modern Islamic law, where the influence of state governance and globalization has reshaped the priorities of Islamic jurisprudence (Esposito 1976; Cesari 2014).

The interaction between Uzbek Islamic legal thought and international Islamic movements has further complicated the methodological landscape. While some scholars embrace transnational frameworks like those of the Organization of Islamic Cooperation (OIC), others reject these influences, emphasizing the unique historical and cultural heritage of Uzbek Hanafi jurisprudence (Abdullaev et al. 2022; Albrecht and Schlumberger 2004, 200). This tension highlights the ongoing struggle to balance global Islamic trends with localized interpretations of *fiqh*.

Finally, the legacy of Soviet secularization continues to influence contemporary Islamic legal thought in Uzbekistan. Decades of state-imposed atheism eroded traditional religious institutions, creating a legal vacuum that modern jurists now struggle to fill (Olcott 2010; G. J. DeWeese 2017). This historical context underscores the challenges faced by contemporary Islamic scholars in reconciling classical Hanafi methodologies with the demands of a secularized, post-Soviet society (Mandaville 2007).

Comparative Insights: Continuities and Divergences

The comparative analysis reveals both continuities and divergences between classical Transoxanian and contemporary Uzbek Hanafi jurisprudence. While the foundational principles

of justice (*'adl*) and public welfare (*maslahah*) remain central, their application reflects the distinct socio-political contexts of each era (Hanafi and Moosa 2003; DeWeese 2016). The classical reliance on juristic flexibility has been largely replaced by a more rigid textual approach in contemporary practices, driven by state-controlled religious institutions (March 2009; Weiss 2010).

Moreover, contemporary Uzbek *fiqh* exhibits a noticeable shift toward codification, aligning Islamic principles with state legal frameworks (Baihaqi et al. 2024). This trend mirrors developments in other modern Muslim societies (Damayanti 2022), where Islamic law is increasingly integrated into national legal systems as a tool for governance rather than a standalone jurisprudential tradition (Fadel and Fadel 2023; Esposito, Sonn, and Voll 2016). These findings underscore the dynamic interplay between tradition and modernity in the evolution of Hanafi jurisprudence, illustrating how Islamic legal traditions adapt to changing societal needs (Kamali 1999; Emon 2010).

A key continuity between the classical and contemporary periods is the enduring significance of *maslahah* as a guiding principle in legal decision-making. While classical jurists employed *maslahah* to address context-specific challenges, modern Uzbek jurists use the same principle to justify state-driven policies, such as family law reforms and public order regulations (Vikør 2005; Zaman 1994). This adaptation demonstrates the versatility of Hanafi jurisprudence, allowing it to remain relevant across different eras. However, the contemporary emphasis on state authority has limited the scope of *maslahah* to align with political objectives rather than broader communal welfare (Foale et al. 2013; Hallaq 2004).

Another significant divergence lies in the role of independent jurists. In the classical period, scholars such as Al-Sarakhsi and Al-Kasani operated within intellectual networks that fostered critical debates and diverse interpretations

(Makdisi 1979; Melchert 2001). In contrast, contemporary Uzbek jurists often function within state-controlled institutions, which restrict their independence and enforce uniform interpretations (Khalid 2007; Kamp 2011). This centralization of religious authority has diminished the pluralism that characterized classical Hanafi jurisprudence, leading to a more homogenized legal discourse (B. H. DeWeese et al. 2015; Barton, Yilmaz, and Morieson 2021).

Furthermore, the influence of external Islamic movements has created additional points of divergence. While classical Transoxanian *fiqh* was shaped by localized traditions and cultural norms, contemporary Uzbek *fiqh* increasingly reflects the impact of global Islamic ideologies, such as Salafism and political Islam (Mandaville 2007; Voll 2007). These influences have introduced tensions between preserving local Hanafi traditions and adopting globally popular interpretations of Islamic law (Casanova 1994; Esposito, Sonn, and Voll 2016). This tension highlights the challenge of reconciling global and local dynamics in contemporary Islamic legal thought.

Finally, the broader socio-political transformations of the post-Soviet era have further accentuated these divergences (Mustafid, Nasution, and Sodikin 2024). The Soviet legacy of secularization and state control over religion has deeply influenced modern Uzbek *fiqh*, shaping its approach to legal codification and interpretation (Olcott 2010; Khalid 2007). Unlike the classical period, where religious institutions maintained relative autonomy, contemporary *fiqh* operates within a framework defined by state interests, often at the expense of juristic creativity and independence (Albrecht and Schlumberger 2004).

Conclusion

This study has examined the evolution of Hanafi jurisprudence in Central Asia, focusing on the continuities and divergences between classical Transoxanian *Usul al-Fiqh* and

contemporary Uzbek Islamic legal thought. The findings reveal that while foundational principles such as justice (*'adl*) and public welfare (*maslahah*) remain central, their application has been significantly shaped by distinct socio-political contexts. The classical reliance on juristic flexibility and rationalist methodologies has been largely supplanted by a more rigid textual approach in contemporary practices, driven by state control and global Islamic movements. These shifts underscore the dynamic interplay between tradition and modernity in the development of Hanafi jurisprudence.

The research highlights several implications. First, the increasing codification of Islamic law in Uzbekistan, aligned with state priorities, reflects broader trends in the politicization of religion in post-Soviet Muslim societies. Second, the diminished independence of Islamic scholars due to state regulation raises concerns about the erosion of pluralism in *fiqh* interpretation. Third, the tension between local Hanafi traditions and global Islamic ideologies underscores the challenges faced by contemporary jurists in balancing historical continuity with modern demands.

Despite its contributions, this research is not without limitations. The study primarily focuses on Uzbekistan and does not extensively explore other Central Asian countries where Hanafi jurisprudence has also evolved. Additionally, the analysis of contemporary *fiqh* relies on state-sanctioned sources, which may not fully capture alternative interpretations or underground movements.

Future research should broaden the geographical scope to include comparative studies across Central Asia and investigate the influence of transnational Islamic movements on regional *fiqh*. Additionally, longitudinal studies examining the long-term effects of state policies on Islamic legal traditions could provide deeper insights into the evolving role of Hanafi jurisprudence in modern Muslim societies. By addressing these

gaps, scholars can further contribute to understanding the adaptive capacities of Islamic law in diverse socio-political contexts.

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