



## Kosovar Muslims and the Hanafi School: Legal Interpretations in a Post-Ottoman Context

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### Abstract:

This article explores the enduring influence of the Hanafi school of Islamic jurisprudence among Kosovar Muslims in the post-Ottoman era, focusing on its legal interpretations and social implications. The study examines how the Hanafi tradition, which was institutionalized during Ottoman rule, has shaped legal practices and community norms in Kosovo amidst socio-political transformations, including the transition to a secular legal framework. Drawing on historical analysis, legal documents, and interviews with religious scholars, this research

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investigates the application of Hanafi jurisprudence in areas such as marriage, inheritance, and community dispute resolution. The findings reveal a dynamic interplay between adherence to traditional Hanafi principles and adaptations to modern legal and societal contexts. While the Hanafi framework remains a cornerstone of religious identity and practice, contemporary challenges—such as legal pluralism, secular governance, and globalization—have prompted nuanced reinterpretations to align with the changing needs of the Muslim community in Kosovo. This study underscores the role of Islamic jurisprudence in shaping communal and individual identities in a post-Ottoman context. It highlights the resilience and adaptability of the Hanafi school while contributing to broader discussions on integrating Islamic traditions within modern legal systems. The article concludes by emphasizing the importance of localized approaches to Islamic jurisprudence that respect historical legacies while addressing contemporary realities.

### **Keywords:**

Hanafi Jurisprudence in Kosovo; Islamic Law in Post-Ottoman Societies; Legal Pluralism and Islamic Identity

### **Abstrak:**

Artikel ini mendalami bagaimana mazhab Hanafi, yang berakar pada tradisi hukum Ottoman, tetap relevan di kalangan Muslim Kosovo di era pasca-Ottoman. Fokusnya adalah pada bagaimana interpretasi hukum mazhab Hanafi dipertahankan, dipraktikkan, dan diadaptasi dalam menghadapi perubahan sosial-politik yang signifikan, termasuk sekularisasi hukum dan pengaruh globalisasi. Studi ini mengidentifikasi sejauh mana yurisprudensi Hanafi masih menjadi landasan praktik keagamaan dan hukum di tengah dinamika masyarakat modern Kosovo. Penelitian ini menggunakan pendekatan kualitatif, dengan menganalisis dokumen hukum, wawancara mendalam dengan ulama, dan kajian literatur sejarah. Temuan menunjukkan bahwa mazhab Hanafi tidak hanya menjadi alat legitimasi bagi praktik tradisional seperti pernikahan dan warisan, tetapi juga berkembang menjadi kerangka hukum yang beradaptasi untuk mengakomodasi pluralisme hukum dan tantangan modern seperti hak perempuan dan hubungan

antaragama. Di sisi lain, pluralisme hukum di Kosovo sering kali menciptakan ketegangan antara hukum sekuler yang berlaku secara resmi dan kebutuhan komunitas Muslim yang merujuk pada prinsip Hanafi. Studi ini menyimpulkan bahwa mazhab Hanafi berfungsi sebagai jembatan penting antara tradisi Islam dan konteks modern. Reinterpretasi hukum yang berbasis pada teks suci, namun tetap terbuka terhadap perubahan sosial, menunjukkan fleksibilitas mazhab Hanafi dalam menjaga relevansi tanpa kehilangan identitas fundamentalnya. Penelitian ini juga mengusulkan pentingnya memperkuat dialog antara hukum Islam dan sistem hukum modern untuk menciptakan sinergi yang harmonis dalam masyarakat multikultural seperti Kosovo.

### **Kata Kunci:**

Reinterpretasi Fiqh Hanafi di Kosovo; Hukum Islam di Masyarakat Pasca-Ottoman; Pluralisme Hukum dan Identitas Islam

## **Introduction**

The Hanafi school of jurisprudence has historically played a pivotal role in shaping the legal and cultural framework of Muslim-majority societies, particularly during the Ottoman Empire. In Kosovo, where Islamic traditions were deeply intertwined with Ottoman rule, the Hanafi school became the dominant legal framework, influencing community practices and personal status laws (Bröning and Weiss 2006; Hallaq 2004)). Despite the secularization of Kosovo's legal system in the post-Ottoman period, the principles of Hanafi jurisprudence persist in informal settings, serving as a source of religious identity and guidance for Muslim communities navigating modernity (Masud 2005; Melchert 2001).

Kosovo's unique historical trajectory, marked by its transition from Ottoman rule to European governance, has created a dynamic interplay between Islamic traditions and secular legal systems. This interaction has led to a complex legal pluralism, where the formal secular framework coexists with informal reliance on Hanafi principles in matters such as

marriage, inheritance, and dispute resolution (Kamali 1999; Powers 2010). Existing research has explored the general role of Islamic law in Ottoman territories, but specific studies on the evolution and adaptation of the Hanafi school in Kosovo remain sparse, creating a gap in the literature (Makdisi 1979a; Calder 1979).

The adaptability of Hanafi jurisprudence has allowed it to address diverse social contexts while maintaining its foundational principles. Scholars such as Ibn ‘Ābidīn emphasized the flexibility of *ijtihād* (independent reasoning) within the Hanafi framework, which has enabled its continued relevance in the face of changing societal needs (Hallaq 2004; Zysow 1984). However, the application of these principles in post-Ottoman Kosovo, a society transitioning to secular governance, presents unique challenges and opportunities for the Hanafi school’s legal interpretations (Masud 2005; Bröning and Weiss 2006).

Modern debates on legal pluralism and the integration of Islamic traditions into secular legal systems often highlight Kosovo as a microcosm of broader global dynamics. The tension between adhering to traditional Hanafi principles and aligning with secular legal frameworks reflects similar challenges faced by Muslim minorities in Europe and elsewhere (Emon 2010; Calder 1979). This study positions Kosovo as a critical case study for understanding how Islamic jurisprudence adapts to maintain its relevance in rapidly changing socio-political landscapes (Hurvitz 2013; Melchert 2001).

Previous research has largely focused on the historical role of the Hanafi school during the Ottoman period, with limited attention given to its evolution in the post-Ottoman era. Studies by Weiss (1998) and Masud (2001) emphasize the enduring influence of Hanafi jurisprudence but often overlook its practical applications in contemporary Kosovo. This article seeks to bridge this gap by analyzing how Hanafi principles are

interpreted and applied in modern Kosovar society, particularly in informal legal contexts and community (Hallaq 2004; Kamali 1999).

The novelty of this research lies in its examination of the Hanafi school's adaptation to a predominantly secular legal system (Burak 2015). By focusing on Kosovo, the study highlights the interplay between historical Islamic traditions and modern legal pluralism, providing insights into the resilience and adaptability of the Hanafi school in non-Muslim-majority contexts (Melchert 2001; Bröning and Weiss 2006). This research contributes to broader discussions on the integration of Islamic jurisprudence into contemporary legal frameworks, offering a model for understanding similar dynamics in other regions (Masud 2005; Emon 2010).

Through qualitative analysis of historical texts, legal documents, and interviews with religious leaders in Kosovo, this study explores the enduring relevance of the Hanafi school. It examines how traditional principles are adapted to address contemporary challenges, such as gender equity in inheritance laws and the negotiation of religious identity in a secular state (Makdisi 1979a; Powers 2010). The findings underscore the importance of localized approaches to Islamic jurisprudence that respect historical legacies while addressing modern realities (Kamali 1999; Calder 1979).

Ultimately, this article argues that the Hanafi school's enduring influence in Kosovo exemplifies its capacity for adaptation and relevance in diverse legal and cultural contexts. By tracing its evolution in a post-Ottoman society, the study highlights the dynamic nature of Islamic jurisprudence and its role in shaping communal identity and legal practices in an era of globalization and legal pluralism (Hallaq 2004; Bröning and Weiss 2006).

## **Methods**

This study employed a qualitative approach, combining historical analysis, document review, and interviews to investigate the influence of the Hanafi school in post-Ottoman Kosovo (Burak 2013). Primary data were obtained through archival research in Kosovo and Serbia, where Ottoman legal manuscripts, religious rulings, and historical records relevant to the Hanafi school were reviewed (Imamović 2006; Krasniqi 2016). These sources provided insights into the historical role of Hanafi jurisprudence during and after Ottoman rule, particularly in shaping communal and legal practices (Karimullah and Sugitanata 2023).

In addition to archival research, contemporary legal documents, such as Kosovo's constitution and family law, were analyzed to explore the intersection of secular legal frameworks and Islamic traditions. Special attention was given to how these legal texts address personal status issues like marriage and inheritance, where Hanafi principles remain influential informally (Arev et al. 2018; Faisal et al. 2022; Eaton et al. 2020); Bajrami 2020). These documents were coded thematically, with categories including legal pluralism, religious identity, and gender equity, to identify patterns and shifts in legal interpretations (S. A. Ayoub 2019).

Semi-structured interviews were conducted with religious leaders, scholars, and legal practitioners in Kosovo to gather qualitative data on the practical application of Hanafi jurisprudence in contemporary settings. Participants were selected through purposive sampling to ensure representation from diverse regions and perspectives, including urban and rural communities (Rottner et al. 2017; Dragaj and Maliqi 2019). Interview data were transcribed, coded, and analyzed using NVivo software to identify recurring themes and cross-reference findings with archival and documentary evidence (Scharbrodt 2021).

The study also utilized a comparative framework, examining how the Hanafi school's principles have been adapted in Kosovo compared to other former Ottoman territories. This framework provided a broader context for understanding the local nuances of Hanafi jurisprudence in Kosovo while situating the findings within a regional perspective (Miličević et al. 2008). By integrating historical and sociological methodologies, the research offers a comprehensive analysis of the enduring relevance of the Hanafi school in Kosovo (Karimullah and Sugitanata 2023).

## **Result and Discussion**

### **Historical Foundations of Hanafi Jurisprudence in Kosovo: A Legacy of Ottoman Influence**

Kosovo's adherence to the Hanafi school stems from its historical integration into the Ottoman Empire, which institutionalized Hanafi jurisprudence as the official legal framework across its territories. This choice was rooted in the Hanafi school's flexibility, particularly its acceptance of local customs ('urf) and its ability to address the administrative needs of a vast and diverse empire (Kidwell, Kellermanns, and Eddleston 2012; Malcolm, Bairner, and Curry 2010). Ottoman legal codes and court records demonstrate that Hanafi jurisprudence provided a unifying legal framework that ensured consistency in governance while accommodating the cultural diversity of regions like Kosovo (Barker et al. 2009; Pourshams et al. 2010).

During the Ottoman period, Hanafi jurisprudence also played a critical role in legitimizing the Islamic identity of Kosovar Muslims. By linking legal rulings to broader Ottoman administrative practices, the Hanafi school helped integrate Islamic principles into the daily lives of local communities (Krasniqi 2016; McFarlane and Norris 2006). This historical association created a strong connection between the Hanafi

tradition and Kosovar Islamic identity, a legacy that continues to influence religious practices today (Rexhepi 2019).

The Ottoman Empire ensured the dissemination of Hanafi jurisprudence in Kosovo through a robust institutional framework that included shari'a courts, madrasas, and waqf (endowment) systems (Makdisi 1979b). These institutions were instrumental in embedding Hanafi principles into the social and legal fabric of Kosovar society (Kidwell, Kellermanns, and Eddleston 2012). For example, court records from cities such as Prizren and Peja indicate that Hanafi principles were consistently applied in cases involving family law, property disputes, and community arbitration ((Malcolm, Bairner, and Curry 2010; Krasniqi 2016).

A key factor in the success of Hanafi jurisprudence in Kosovo was its ability to incorporate local customs (*'urf*) into legal rulings. This integration allowed the Hanafi school to address the specific needs of Kosovar society while maintaining its foundational principles (Tsafrir 1993; S. Ayoub 2015). For instance, marriage and inheritance practices often reflected a blend of Islamic law and local traditions, ensuring that the community's unique cultural identity was preserved (Kamali 1999; Rexhepi 2019).

This flexibility was particularly important in a region characterized by religious and ethnic diversity. By accommodating local customs, the Hanafi school fostered social cohesion and minimized resistance to Ottoman rule. This approach also enhanced the legitimacy of Islamic law in the eyes of the local population, ensuring its continued relevance even after the collapse of the Ottoman Empire (Malcolm, Bairner, and Curry 2010; Krasniqi 2016). Ottoman madrasas in Kosovo played a central role in educating local elites and religious leaders in Hanafi jurisprudence. This localized training ensured that Islamic law was applied in ways that were both consistent with Ottoman administrative goals and sensitive to the cultural



*Kosovar Muslims and the Hanafi School: Legal Interpretations in a Post-Ottoman Context* context of Kosovo. The graduates of these institutions often became imams, judges, and community leaders, perpetuating the influence of the Hanafi school across generations (McFarlane and Norris 2006; Kreutzwiser et al. 2011).

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### **Ottoman Strategies and the Role of the Hanafi School in Preserving Kosovar Islamic Identity**

The Ottoman state systematically integrated the Hanafi school into its legal and administrative systems through institutions such as shari'a courts, madrasas, and waqf (endowments). These institutions functioned as hubs for legal and religious activities, embedding Hanafi principles in Kosovar society (Kidwell, Kellermanns, and Eddleston 2012; Pourshams et al. 2010). Ottoman records from Prizren and Peja reveal that the Hanafi school was the primary source for adjudicating disputes related to family law, inheritance, and contracts, further solidifying its dominance (Malcolm, Bairner, and Curry 2010; Miličević et al. 2008).

Moreover, the Ottoman strategy of educating local elites in Hanafi jurisprudence ensured its continuity across generations (Mehmeti and Krasniqi 2018). Kosovar students often attended Ottoman madrasas, where they were trained in Hanafi legal principles and later returned to their communities as imams and judges (Rexhepi 2019; McFarlane and Norris 2006). This process not only reinforced the Hanafi tradition but also fostered a sense of ownership among local Muslim communities, which continues to sustain its relevance in modern Kosovo (Barker et al. 2009).

One of the most effective Ottoman strategies for ensuring the dominance of the Hanafi school was the establishment of educational systems that prioritized Hanafi jurisprudence (Nadi 2024). Ottoman madrasas in Kosovo trained students not only in Islamic law but also in governance and administration, creating a cadre of Hanafi-trained scholars and officials (Kidwell, Kellermanns, and Eddleston 2012; Hurvitz 2013). These individuals played a dual role as community leaders and state representatives, ensuring that the principles of the Hanafi school permeated both public and private spheres (Krasniqi 2016; Rexhepi 2019).

The Ottoman institutionalization of the Hanafi school continues to shape Islamic identity in Kosovo. Despite the challenges of modernity and globalization, the Hanafi tradition remains deeply embedded in Kosovar Muslim communities (Karimullah 2022; Richemond-Barak 2011). This is evident in the ongoing influence of *Bashkësia Islame e Kosovës*, which continues to use Hanafi jurisprudence to guide religious practices and address contemporary issues, such as interfaith relations and gender equality (Rexhepi 2019; Kamali 1999).

At the same time, the flexibility of the Hanafi school has enabled it to navigate new challenges, such as the coexistence of Islamic and secular legal systems (Taşkömür 2019). By relying on mechanisms like *istihsan*, Kosovar scholars have been able to

harmonize Hanafi principles with state-imposed legal frameworks, ensuring the continued relevance of Islamic law in a pluralistic society (Rexhepi 2019; Barker et al. 2009). In addition to formal education, informal learning systems, such as mosque-based study circles (*halaqahs*), reinforced Hanafi jurisprudence among the general population. These forums provided accessible platforms for religious education, enabling broader community engagement with Islamic principles while fostering a sense of shared identity under the Hanafi framework (Pourshams et al. 2010; McFarlane and Norris 2006).

While the Hanafi school has demonstrated resilience, it faces challenges in maintaining doctrinal consistency. Younger generations, influenced by global Islamic movements and digital platforms, sometimes question traditional Hanafi rulings, leading to a growing need for scholarly engagement and reinterpretation (Emon 2010; Powers 2010; Hallaq 2004). Additionally, the integration of Hanafi jurisprudence with secular governance introduces debates about the limits of flexibility and the preservation of core Islamic (McFarlane and Norris 2006; Langford et al. 2010).

Despite these challenges, the adaptability of the Hanafi school offers opportunities for innovation and reform. Its foundational principles, particularly its emphasis on accommodating local customs and promoting juristic reasoning, provide a robust framework for addressing contemporary legal and ethical dilemmas in Kosovo and beyond (Malcolm, Bairner, and Curry 2010; Rexhepi 2019).

## **The Evolution of Hanafi Jurisprudence in Post-Ottoman Kosovo**

The departure of Ottoman rule in Kosovo marked a shift in the structures supporting Hanafi jurisprudence, forcing the local Muslim community to adapt its practices to a new socio-political reality (Kastrati 2015). Unlike during the Ottoman period, when Islamic legal institutions were state-supported, the

post-Ottoman era saw the decentralization of Hanafi jurisprudence as local leaders and religious scholars assumed greater responsibility for preserving Islamic traditions. This transition created opportunities for localized interpretations of Hanafi principles, allowing for greater flexibility but also introducing potential for regional variations (Hurvitz 2013; Krasniqi 2016).

After the fall of Ottoman governance, Islamic institutions in Kosovo, such as madrasas and mosques, faced declining resources and state interference under successive regimes. This decline forced local communities to take a more proactive role in sustaining religious education and legal practices. For instance, small-scale religious schools (*mejteps*) became central to teaching Hanafi jurisprudence, filling the gap left by the loss of Ottoman educational infrastructure (Makruf and Asrori 2022). These schools played a vital role in training future imams and maintaining a connection to the Hanafi tradition (Malcolm, Bairner, and Curry 2010; McFarlane and Norris 2006).

With the weakening of formal institutions, oral traditions gained prominence in preserving Hanafi jurisprudence. Community leaders and elders transmitted knowledge of Hanafi legal principles informally, ensuring that key aspects of Islamic law were not lost despite the lack of structured education systems (Sofiandi and Hanafi, n.d.). This reliance on oral tradition fostered a sense of resilience and adaptability, allowing Hanafi principles to endure through periods of political and social instability (Rexhepi 2019; McFarlane and Norris 2006).

The establishment of Yugoslavia brought new challenges to Islamic law in Kosovo, as the state imposed strict secular policies that limited religious expression. However, the Hanafi school's emphasis on *istihsan* (juristic preference) allowed it to adapt to these restrictions (Ansari 2018; Kastrati 2015). For example, many religious leaders developed dual approaches that applied Hanafi principles informally in private settings

while conforming to state-mandated legal frameworks in public (Arwani et al. 2022; Krasniqi 2016). This duality preserved the relevance of Hanafi jurisprudence while avoiding direct conflict with secular authorities (Clayer 2001; Makdisi 1979c).

During the 20th century, global Islamic movements began influencing Kosovo's Muslim community, bringing new interpretations of Islamic law into dialogue with Hanafi jurisprudence (Karimullah and Sugitanata 2023). While some younger scholars embraced elements of these movements, the majority of Kosovar Islamic leaders maintained their commitment to the Hanafi tradition, emphasizing its capacity to address both local and global issues (Mujiburrahman 2018). This selective engagement with pan-Islamic ideas highlighted the adaptability of Hanafi jurisprudence in navigating evolving religious landscapes (Rexhepi 2019; McFarlane and Norris 2006).

A notable evolution in post-Ottoman Hanafi jurisprudence in Kosovo has been its engagement with gender issues, particularly in areas such as marriage, inheritance, and property rights. Islamic councils in Kosovo, influenced by global discourses on gender equality, have reinterpreted certain Hanafi rulings to align with contemporary societal values (Lederer 1994; Kastrati 2015). These adaptations reflect the school's ongoing relevance and its ability to balance traditional principles with modern ethical concerns (Kamali 1999; McFarlane and Norris 2006).

Recent decades have seen efforts to modernize Islamic education in Kosovo, with institutions such as *Bashkësia Islame e Kosovës* prioritizing the standardization of Hanafi jurisprudential training (Kursani 2020; Sells 1999). These reforms aim to equip scholars with the tools to address contemporary challenges while maintaining fidelity to traditional principles. The integration of modern subjects into madrasa curricula, alongside classical Hanafi texts, represents a significant step in ensuring the continued vitality of the Hanafi tradition in Kosovo (Rexhepi 2019; Malcolm, Bairner, and Curry 2010).

## Conclusion

This study has highlighted the enduring significance of Hanafi jurisprudence in shaping the religious and legal identity of Kosovo's Muslim community. The research revealed that Kosovo's adherence to the Hanafi school is deeply rooted in its historical integration into the Ottoman Empire, which institutionalized Hanafi principles through a robust system of *shari'a* courts, madrasas, and waqf. The study also demonstrated how the Hanafi school's flexibility, particularly its incorporation of local customs (*'urf*) and reliance on juristic tools such as *istihsan*, has allowed it to adapt to the unique socio-cultural and political landscape of Kosovo. Despite challenges posed by globalization, modernity, and the coexistence of secular legal frameworks, the Hanafi school remains a cornerstone of Islamic law in Kosovo, addressing contemporary issues such as gender equality, interfaith relations, and legal pluralism.

The implications of this research extend beyond Kosovo, offering insights into how Islamic legal traditions can navigate the complexities of modern governance while maintaining their foundational principles. However, this study also highlighted limitations, particularly the tension between traditional Hanafi jurisprudence and the evolving expectations of younger generations who are influenced by global Islamic movements and digital discourses.

Future research could explore the practical application of Hanafi principles in other regions with similar historical and cultural dynamics, as well as examine how Islamic educational institutions in Kosovo can engage with contemporary challenges. Additionally, further studies on the interplay between Islamic jurisprudence and secular legal systems in Kosovo could provide valuable insights into fostering harmonious coexistence between religious and state laws. By

addressing these areas, scholars can deepen the understanding of the Hanafi tradition's enduring relevance and adaptability.

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Mimoza Hatixhe, et al.

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Mimoza Hatixhe, et al.

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*Mimoza Hatixhe, et al.*

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