



THEORETICAL FOUNDATIONS OF JUDICIAL ACTIVITY IN THE HANAFI SCHOOL OF ISLAMIC LAW

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Abstract. *This article examines the theoretical foundations of judicial activity in the Hanafi school of Islamic law, focusing on the relationship between normative sources, juristic authority and judicial procedure. A qualitative doctrinal review is used to organise the legal and historical arguments concerning the office of the qadi, the contributions of Abu Yusuf and Muhammad al-Shaybani, and the role of later Hanafi scholarship. The analysis identifies three connected foundations: the obligation to administer justice, the ordering of authoritative legal opinions, and the procedural assessment of claims and evidence. It also explains how the Zahir al-Riwaya corpus, less widely transmitted opinions and fatwa literature contributed to continuity and adaptation within the school. These findings support an understanding of Hanafi adjudication as an institution in which ethical responsibility and legal reasoning operate together. The article distinguishes doctrinal principles from evidence of their implementation and identifies the need for further study of court records and specific legal texts.*

Keywords: *Hanafi school, qadi, Islamic judiciary, Abu Yusuf, al-Shaybani, Zahir al-Riwaya, fatwa, usul al-fiqh, evidence, ijtihad.*

INTRODUCTION

Judicial activity, or qada, occupies an important place in Islamic legal thought because it connects legal norms with the resolution of disputes. The qadi is entrusted with examining claims, evaluating evidence and issuing judgments within an authorised jurisdiction. The office therefore involves both legal competence and responsibility for fair treatment. In the Hanafi tradition, these responsibilities developed alongside a substantial body of jurisprudence concerned with substantive rules, legal reasoning and procedure.

The normative basis of adjudication is closely associated with the Qur'anic obligation to discharge trusts and judge justly. Qur'an 4:58 links the exercise of authority



with justice, while Qur'an 5:42 stresses equitable judgment. These passages establish an ethical foundation for judicial responsibility, although they do not by themselves specify every procedural rule of a court (Muhammad Yusuf, 2022). The development of detailed rules required interpretation and the accumulation of juristic learning.

The aim of this article is to explain how the Hanafi tradition connected this normative foundation with authoritative doctrine and judicial procedure. Particular attention is given to the contributions of Abu Yusuf and al-Shaybani, the relationship between different categories of Hanafi literature, and the role of legal methodology in adjudication.

MATERIALS AND METHODS

The study takes the form of a qualitative doctrinal review. Its materials comprise the Qur'anic passages, hadith report, historical arguments and bibliographic references assembled in the underlying thesis. These include an Uzbek translation of the Qur'an, Abu Dawud's Sunan, Abu Yusuf's Kitab al-Kharaj, al-Mawardi's al-Ahkam al-Sultaniyya and Ibn Abidin's Radd al-Muhtar. Al-Mawardi is used for the broader institutional context of Islamic government rather than as a representative of Hanafi doctrine.

The material is organised through thematic analysis under three questions: what legitimises judicial authority, which juristic sources guide judgment, and how claims and evidence are assessed. Historical contextualisation is used to explain the place of early Hanafi jurists, while conceptual analysis distinguishes binding adjudication from non-binding legal advice. The approach is interpretive rather than empirical: it does not involve interviews, statistical analysis or a systematic examination of court registers. Consequently, the results concern the conceptual structure of adjudication rather than the frequency or consistency of particular historical practices.

RESULTS AND DISCUSSION

Normative foundations and judicial responsibility. The first theme is the relationship between authority and justice. The qadi's task is not simply to announce a legal rule but to apply it to a dispute after considering the parties' claims and supporting evidence. The Qur'anic emphasis on justice gives this activity an ethical orientation. Institutional discussions of judicial office also place adjudication within the wider organisation of public authority (al-Mawardi, 1994). A judicial decision thus combines delegated jurisdiction with responsibility for protecting rights.



The place of legal reasoning. The account of Muadh ibn Jabal's mission to Yemen, cited in the thesis through Abu Dawud's Sunan, presents a sequence of reference to the Qur'an, the Prophetic Sunnah and reasoned judgment when an explicit answer is unavailable (Abu Dawud, 1987). In legal writing, this report illustrates the relationship between transmitted authority and interpretive effort. Its use as an illustration should be distinguished from a separate assessment of its transmission and authenticity; it cannot alone establish the full Hanafi theory of legal sources.

Abu Yusuf and the institutional setting. Abu Yusuf Yaqub ibn Ibrahim is central to the thesis's account of the historical development of Hanafi adjudication. His association with the office of chief judge under the Abbasid caliph Harun al-Rashid connects Hanafi learning with the administration of justice. Kitab al-Kharaj addresses taxation, public finance and the responsibilities of government, providing a framework for considering lawful administration and the treatment of subjects (Abu Yusuf, 2005). This institutional connection is significant, but a full account of his administrative reforms requires evidence beyond general biographical statements.

Al-Shaybani and the transmission of doctrine. Muhammad ibn al-Hasan al-Shaybani occupies a central position in the preservation and systematisation of early Hanafi legal opinions. The works conventionally associated with the Zahir al-Riwaya corpus include al-Asl, al-Ziyadat, al-Jami al-Kabir, al-Jami al-Saghir, al-Siyar al-Saghir and al-Siyar al-Kabir. In the thesis, this corpus represents the principal transmitted foundation of the school. Its importance for adjudication lies in providing jurists with a shared body of doctrine rather than leaving the resolution of each dispute entirely to individual discretion.

Authoritative doctrine and later legal literature. The material distinguishes the Zahir al-Riwaya from nawādir, or less widely transmitted opinions, and from later fatwa and nawazil literature. These categories help explain how established doctrine could be related to questions arising in practice. Later Hanafi scholarship, represented in the bibliography by Ibn Abidin, is relevant to the assessment and application of inherited opinions (Ibn Abidin, 2005). However, these categories should not be reduced to a mechanical sequence in which every judge necessarily exhausts one collection before moving to another. The authority and applicability of an opinion also require juristic evaluation.



Fatwa and judgment. A further distinction concerns the relationship between legal advice and judicial decision. A fatwa supplies a juristic response to a legal question, whereas a judicial judgment resolves a dispute through the authority of the court. Fatwa literature may therefore guide a judge without being identical to a binding judgment. Works mentioned in the thesis, including Fatawa Qadikhan and al-Nawazil attributed to al-Samarqandi, illustrate the importance assigned to practical legal questions. Their specific contribution requires closer analysis of identified passages and editions.

Evidence and procedure. The thesis identifies testimony, acknowledgment, oaths and documents among the materials relevant to adjudication. These are best understood as distinct evidentiary and procedural categories whose relevance depends on the type of claim and the applicable rules. Bayyina should not automatically be treated as wholly separate from testimony, because the terms can overlap in legal usage. Similarly, istishab, the presumption of continuity, is an instrument of legal reasoning rather than simply another witness-like means of proof. These distinctions prevent a list of legal concepts from being mistaken for a universal ranking of evidence.

Methodology and adaptation. The thesis associates Hanafi judicial reasoning with the development of *usul al-fiqh* by scholars such as al-Jassas, al-Dabusi, al-Bazdawi, al-Nasafi and Sadr al-Sharia. Their inclusion points to the importance of methods for interpreting texts and relating rules to new circumstances. The analysis suggests that continuity and adaptation operated together: established doctrine constrained judgment, while interpretive work addressed questions not directly settled by a readily applicable rule. This relationship provides a more precise account of flexibility than the assumption that judges exercised unrestricted personal reasoning.

Scope and limitations. The doctrinal material explains how judicial authority was conceptualised, but it does not establish that every historical court implemented these principles uniformly. Claims about actual hearings, public access, judicial independence or later codification require separate investigation. The same applies to the relevance of Hanafi principles to contemporary legal systems. A fuller study would compare doctrinal passages with dated court registers and examine how procedure varied across jurisdictions and periods.



CONCLUSION

The theoretical foundations of Hanafi judicial activity can be understood through the interaction of ethical obligation, authoritative doctrine and procedural reasoning. The duty to judge justly gives adjudication its normative purpose; the transmitted corpus and later juristic literature provide a framework for legal evaluation; and the assessment of claims and evidence connects that framework to particular disputes. Abu Yusuf and al-Shaybani represent important institutional and intellectual dimensions of this development. Distinguishing fatwa from judgment, legal presumptions from evidentiary means, and doctrinal ideals from documented practice makes the account more precise. Further research should test these relationships through close reading of primary legal texts and comparative study of historical court records.

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