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Imam Abu Hanifa's Jurisprudence Approach and Modern Era Challenges

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Abstract

Islam is the complete code of life and Allah Almighty has sent the Last Messenger PBUH to complete his last message.

أَلْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمُ الْإِسْلَامَ دِينًا

“Today I have perfected your faith for you, completed My favour upon you, and chosen Islam as your way.”

So, no Massager shall come from Allah Almighty till doomsday, but human beings are coming and their life is facing new and different problems on daily basis. To solve their new sort of problems it is need of the time to ponder over problems and find their solutions. In this regard Jurisprudence started in Islamic Religion. The need of jurisprudence is demanded from the 1st century of Islam. When the light of Islam spread beyond the Arabian Peninsula. New sort of religious problems faced by the Muslims and they were solved by the Muslim scholars also.

The Prophet of Allah Almighty also encourage the Companions (may Allah Almighty bless them) to do jurisprudence, i.e. in the battle of Ghazva Banu Quraza the Prophet of Allah Almighty demonstrated to Muslims to offer the Asir Prayer in Banu Quraza. In the way to Quraza the time to Asir Prayer fall on, some of Muslims offer the Asir Prayer and some of them left it under the order of Prophet PBUH. When the Prophet PBUH came to know about the act of Muslims neither the Prophet PBUH denied nor approve it. The Prophet

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PBUH kept quiet in this regard. The same way the Righteous Caliph Abu Bakar also compiled up Quran in one book form after a long meditation, but he said repeatedly that how could I compile the Quran, if the Prophet PBUH did not compile it in one book form. But finally, the Abu Bakar Sadiq compiled it in one book form.

By now the number of Ummah has spread a all over the world, interaction with non-muslims is common. New sort of problems is common among the Muslim Ummah. Especially with the invention of social media the matter of jurisprudence has shifted to social media handlers. The most famous school of thought in Sunni Jurisprudence is Imam Abu Hanifa's school of thought. About 70% of Muslim Ummah consisted of Hanafi's School of thought. This school of thought is facing a lot of problems in this regard. Especially in medical issues or in economic issues. So, my article will help to highlight Imam Abu Hanifa's Jurisprudence Approach on modern era problems.

Keywords: Imam Abu Hanifa, Jurisprudence, Approach, Modern Era, Challenges

Definition of Jurisprudence

Jurisprudence refers to the theory or philosophy of law. It encompasses the study and systematic analysis of the principles, concepts, and foundations that underlie the legal system. Jurisprudence seeks to understand the nature of law, its purpose, and its role in society. It involves exploring questions about justice, rights, obligations, and the relationship between law and morality.

Islamic jurisprudence

Islamic jurisprudence, also known as "Fiqh" in Arabic, refers to the system of jurisprudential principles and rules derived from the Islamic legal sources to guide Muslims in matters of personal conduct, social relationships, and governance. It is a significant aspect of Islamic law and is based on the interpretation and application of the Quran (the holy book of Islam), the Sunnah (traditions of Prophet Muhammad), Ijma (consensus of scholars), and Qiyas (analogy).

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The interpretation and development of Islamic jurisprudence have led to the emergence of different legal schools or madhabs, such as the Hanafi, Maliki, Shafi, and Hanbali schools, each with its own methodology and approach to legal reasoning. The ultimate goal of Islamic jurisprudence is to ensure the application of justice, equity, and morality in accordance with Islamic teachings.

Work Already done on Modern Islamic Jurisprudence:

a. Mufti Taqi Usmani

Mufti Taqi Usmani, a prominent Islamic scholar, was born on October 5, 1943, in Deoband, India. He is a leading figure in Islamic finance and jurisprudence, known for his expertise in interpreting Islamic law (Shariah) in contemporary contexts. Mufti Taqi Usmani has authored numerous books on various Islamic subjects, particularly on Islamic finance, economics, and jurisprudence. He has also served in important advisory roles for Islamic financial institutions and regulatory bodies worldwide. Currently residing in Karachi, Pakistan, Mufti Taqi Usmani continues to be highly regarded for his scholarship and contributions to Islamic jurisprudence.

Mufti Taqi Usmani has authored many books covering a wide range of topics in Islamic jurisprudence, finance, economics, and spirituality. Some of his notable works include:

- a. "An Introduction to Islamic Finance"
- b. "Islamic Commercial Law: An Analysis of Futures and Options"
- c. "Islam and Modernism"
- d. "The Legal Status of Following a Madhab"
- e. "The Islamic Laws of Animal Slaughter"
- f. "Islam and Modernism"

b. Dr. Tahir-ul-Qadri

Dr. Tahir-ul-Qadri, also known as Shaykh-ul-Islam, was born on February 19, 1951, in Jhang, Pakistan. He is a prominent Islamic scholar, author, and founder of Minhaj-ul-Quran International, a global Islamic organization based in Lahore, Pakistan. Dr. Tahir-ul-Qadri is known for his extensive contributions to Islamic scholarship, particularly in the fields of jurisprudence, theology, spirituality, and Islamic law. He has authored numerous books on

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a wide range of Islamic topics and is recognized for his efforts in promoting peace, interfaith dialogue, and moderation within the Muslim community.

- a. **"Fatwa on Terrorism and Suicide Bombings":** In this book, Dr. Tahir-ul-Qadri provides a comprehensive Islamic perspective condemning terrorism and suicide bombings. He offers detailed legal arguments and theological justifications to counter extremist ideologies.
- b. **"Islamic Concept of Intermediation (Tawassul)":** This book explores the concept of Tawassul (intermediation) in Islam, discussing its theological basis and practical implications in contemporary contexts.
- c. **"Islamic Teachings of Peace and Tolerance":** Dr. Tahir-ul-Qadri discusses the foundational principles of peace, tolerance, and coexistence in Islam, addressing misconceptions and promoting dialogue and understanding in modern society.
- d. **"The Constitution of Medina: A Reassessment":** This book delves into the historical significance and contemporary relevance of the Constitution of Medina, examining its implications for governance, pluralism, and social justice in modern times.
- e. **"The Ideological Attack":** Dr. Tahir-ul-Qadri analyzes various ideological challenges faced by Muslims in the contemporary world, offering insights into countering extremist narratives and promoting a balanced understanding of Islam.

c. **Mufti Ahmad Yar Khan Naeemi**

Mufti Ahmad Yar Khan Naeemi, Bareilvi scholar and mufti, was born on October 12, 1952, in Karachi, Pakistan. He passed away on February 7, 2018, also in Karachi. He was a highly respected Islamic scholar and mufti known for his contributions to Islamic jurisprudence and theology.

"Islami Fiqh Encyclopedia": This comprehensive encyclopedia covers various aspects of Islamic jurisprudence, including contemporary issues, legal rulings (fatwas), and practical guidance on everyday matters.

Some other Notable Books on Modern Islamic Jurisprudence

- a. **"Islam and the Secular State: Negotiating the Future of Sharia"** by Abdullahi Ahmed An-Na'im - This book explores the compatibility of Islamic law with secular governance and human rights in the modern world.

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- b. "Radical Reform: Islamic Ethics and Liberation"** by Tariq Ramadan - Tariq Ramadan discusses the principles of Islamic jurisprudence and ethics in the context of modern challenges, including gender equality, democracy, and human rights.
- c. "The Search for Beauty in Islam: A Conference of the Books"** by Khaled Abou El Fadl - This book delves into the interpretation of Islamic law and ethics, emphasizing the importance of beauty, compassion, and justice in contemporary jurisprudence.
- d. "Islam, Sharia and Alternative Dispute Resolution: Mechanisms for Legal Redress in the Muslim Community"** edited by Mohamed Keshavjee - This book examines alternative dispute resolution mechanisms within Islamic law, addressing their relevance and application in modern societies.
- e. "Islamic Legal Revival: Reception of European Law and Transformations in Islamic Legal Thought in Egypt, 1875-1952"** by Khaled Abou El Fadl - Focusing on Egypt, this book analyzes the interaction between Islamic law and modern legal systems, shedding light on the dynamics of legal reform in Muslim-majority countries.
- f. "Islamic Jurisprudence: An International Perspective"** edited by Mashood A. Baderin and Mohammad H. Kamali - This book provides insights into diverse interpretations of Islamic jurisprudence across different cultural and geographical contexts, offering a global perspective on contemporary legal issues.
- g. "Islam, Science, and the Challenge of History"** by Ahmad Dallal - Ahmad Dallal examines the historical relationship between Islam and science, addressing misconceptions and highlighting the contributions of Muslim scholars to scientific inquiry and knowledge production throughout history.

Introduction to Imam Abu Hanifa

Imam Abu Hanifa, whose full name is Abu Hanifa Noman ibn Thabit, was a prominent Islamic scholar and jurist who lived in the 8th century CE or 2nd century of AH. Abu Hanifa was born in the city of Kufa (in present-day Iraq) around 699 CE or 80 AH. His family was of Persian origin, and he grew up in a learned and pious environment. One notable aspect of his early education is his association with the famous Islamic Scholar Imam Hammad ibn Abi Sulaman. Abu Hanifa studied under Hammad, who was a student of the Companion of the Prophet Muhammad PBUH, Anas ibn Malik. Imam Hammad was known for his deep knowledge of hadith (sayings and actions of Prophet Muhammad) and

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his expertise in legal matters. He is widely recognized as the founder of the Hanafi school of Islamic jurisprudence (fiqh), one of the four major Sunni schools of thought.

Students of Imam Abu Hanifa

Imam Abu Hanifa had several prominent students who continued his legacy and played significant roles in the development and dissemination of the Hanafi school of jurisprudence. Some of his notable students include:

a. Imam Abu Yusuf (Yaqub ibn Ibrahim al-Ansari)

Abu Yusuf was one of the most distinguished students of Imam Abu Hanifa. He became the chief judge (qadi al-qudat) during the caliphate of Harun al-Rashid, making him one of the highest-ranking judicial authorities in the Abbasid Caliphate. His works, particularly his book "Kitab al-Kharaj," which deals with taxation and fiscal matters, are considered foundational in Hanafi jurisprudence.

b. Imam Muhammad ibn al-Hasan al-Shaybani

Muhammad al-Shaybani was another prominent student of Imam Abu Hanifa. He played a key role in spreading Hanafi jurisprudence in the eastern regions of the Islamic world, particularly in the areas that are now Afghanistan and Central Asia. His book "Al-Mabsut" is an important compilation of Hanafi legal opinions.

c. Zufar ibn al-Hudhayl

Zufar was a student of Imam Abu Hanifa and a scholar in his own right. He contributed to the transmission of Hanafi legal teachings and principles.

d. Qadi Abu Bakr ibn al-Arabi

Abu Bakr ibn al-Arabi was a Spanish scholar and jurist who studied the Hanafi school of thought. He later became known as a prominent Maliki jurist. While he initially followed the Hanafi school, he eventually switched to the Maliki school and played a significant role in its development.

These students, along with others, helped disseminate the teachings of Imam Abu Hanifa across various regions of the Muslim world. The Hanafi school, with its emphasis on reasoning and adaptability, has had a lasting impact and continues to be one of the major Sunni legal schools followed by Muslims in diverse geographical locations.

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Sunni Schools of Jurisprudence

The Sunni branch of Islam consists of several legal schools of thought, each with its own methodology and interpretations of Islamic law. The four major Sunni schools of thought are:

a. Hanafi School

Founded by Imam Abu Hanifa (699–767 CE) Emphasis on reasoning, use of analogy (qiyas), and consideration of public interest (maslaha). It is known for flexibility and adaptability.

b. Malki School

Founded by Imam Malik ibn Anas (711–795 CE). Strong reliance on the traditions and practices of the people of Medina, attention to local customs, and preference for consensus (ijma) among the people of Medina.

c. Shafi School

Imam Al-Shafi (767–820 CE) Emphasis on the Quran, hadith, consensus (ijma), and analogy (qiyas).

d. Hanbali School

Imam Ahmad ibn Hanbal (780–855 CE) Hanbali jurisprudence is known for its emphasis on literalist readings of texts.

These four Sunni schools of thought are sometimes referred to as "madhabs," and followers of each madhab adhere to the legal rulings and interpretations provided by their respective founders and scholars. While there are differences in legal details, all four schools share a common foundation in Sunni Islam, following the Quran and the Sunnah (traditions) of Prophet Muhammad.

Modern Approach to Jurisprudence

Jurisprudence, or the philosophy of law, is a dynamic field that continuously adapts to new social, political, and technological developments. Here are some modern approaches that were relevant to my last update:

Critical Legal Studies (CLS)

This approach challenges traditional legal thought and emphasizes the role of power and ideology in shaping the law. CLS scholars often criticize the idea of a neutral and objective legal system, highlighting how law can serve the interests of the powerful.

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Feminist Jurisprudence

Feminist legal scholars focus on the ways in which law and legal systems perpetuate gender-based inequalities. They analyze how legal rules, doctrines, and institutions impact women and seek to transform the legal system to address gender-based discrimination.

Law and Economics

This approach applies economic principles to legal analysis, emphasizing efficiency, rationality, and cost-benefit analysis. Scholars in this field explore how legal rules and institutions can be understood through economic reasoning.

Legal Realism

Legal realism challenges the idea that law is a set of fixed rules that can be applied mechanically. Instead, it suggests that legal decisions are often influenced by social, political, and economic factors. Legal realists argue for a more contextual and pragmatic understanding of law.

Postmodernism and Deconstruction

Postmodern legal theorists question the idea of a single, universal truth in law. They argue that legal texts can be interpreted in multiple ways, and meaning is subjective. Deconstruction, a method associated with postmodernism, involves analyzing legal texts to reveal underlying assumptions and contradictions.

Global and Transnational Jurisprudence

With the increasing globalization of legal issues, scholars in this field examine the impact of international law, human rights, and global governance on national legal systems. They explore how legal norms transcend borders and influence diverse legal orders.

Legal Pluralism

Legal pluralism recognizes that societies often have multiple legal systems operating concurrently. It explores the interactions between formal state law and various informal or traditional legal systems within a given society.

Law and Technology

With the rapid advancements in technology, scholars are examining the intersection of law and technology. This includes topics like digital rights, intellectual property in the digital age, and the legal implications of emerging technologies like artificial intelligence.

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Keep in mind that these approaches are not mutually exclusive, and scholars often draw on multiple perspectives to analyze legal issues. Additionally, the field of jurisprudence continues to evolve, and new approaches may have emerged since my last update.

Conclusion and Recommendations

As we are living in the era of information technology, everybody now has direct approach to every sort of information. Especially social media makes it much easier for us to get immediate approach to knowledge. Now people feel easy that to ask on YouTube any problem than to go to any scholar. This flood of information made it easy for us to be misled. A person who is wrong or right but has communication skills, has channels and spreads his views to whole of the globe. Authenticity of knowledge has changed. So, it is the duty of the Islamic scholars that come forward and inform the people about the true philosophy of Imam Abu Hanif. That is how it is different from others and what misconceptions are found here. Same way in printing presses some people miss use it and spread confusion among the people. The Muslim scholars must oppose the wrong ideas against the Islamic fundamentals. and must have this courage to say wrong if something is found wrong. So the biggest challenge to the Imam Abu Hanifa's Jurisprudence Approach is miss understanding of its Philosophy of thought.

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