

Islamic Legal Theory and its Development in Central Asia

Dr. Showkat Hussain*

Introduction:

The literature compiled on *Usul al-Fiqh* from 2nd to 6th century A.H is indeed a significant landmark for evolution of the Islamic legal theory. The concept of *ijtihad* as methodology reveals the comprehensiveness of the Islamic legal system covering the objectives (*Maqasid*) of the Revelation (*Wahy*), as well as Welfare (*Falah*) of the society. The evolution of the *Fiqh* methodologies including *Ijtihad* was to address, interpret and explore all such possibilities, where the text (*Matan*) needed further explanation (*Tashrih*) for the legislation process. This exertion also facilitated the idea, as how a particular legal deduction is to be applied in its appropriate socio-legal perspective. It is due to this particular intent that Islamic jurisprudence attained all the necessary features required to construct sound and evolving socio-legal mechanism. The concept of *Ijtihad* in socio-political matters stimulated and re-blooded Islamic institutions to attain the inclusive universal character. The *Fuqaha* (jurists) utilized their utmost intellectual worth to ensure the maximum socio-legal benefit while deducing law from a variety of generally accepted sources. The deduction of the legal precepts and methodology has been a monumental endeavor of the Muslim jurists. The jurists knowing context of the text, its possible interpretations and social workability made valuable contribution to the legal theory and its application which amplified and maintained connection between the *Shari 'ah* and the society. For this objective, The Muslim jurists authored and annotated scores of the treatises and exposed their utmost concern to deal with the problems that arise from social evolution. In this context, the socio-political developments especially during the *Ummayyad* (661-750 A.D), the *Abbasid* (750-1258 A.D) and the *Sammanid* (874-1005 A.D) periods were having perpetual significance. The socio-economic issues during this era influenced and shaped the discourse of legal theory. It was

*Senior Assistant Professor, Department of Islamic Studies, Islamic University of Science and Technology, Awantipora, Kashmir.