

Name: Umer Farooque Rahimoon

Faculty Teacher: Aijaz Ahmed Jatoi

Registration:- BA.LLB/3-19/M01049

Subject:- Islamic Jurisprudence

## Hukm Shar'i (elements in commanded rule)

It is the constitution maker's speech regarding the actions of individuals. There are types of Shari rule the takfiri ruling: the speech that comes in the form of a request or alternatives. The Valley Judgment: Speech that is in the form of an order only.

### **Examples of Hukm Shar'I :**

The following Ayat of the Qur'an illustrates what is a hukm shari: [Believers, stand by your contracts and obligations] [Quran, 4-1].

Allah addresses the believers to fulfill their contracts. [Believers, if you take a loan for a known period of time, have a just scribe write it down for you]. [Qur'an, 2-282]. Allah addresses the believer to write down the contract of their loan. [Cut off the hands of a male and female thief as a punishment for their deed and a lesson for them from Allah] [Q, al-Maidah:38]. This is a hukm shar'i, because Allah has made theft as a cause (sabab) for the amputation of the hand of a thief.

The following ayat of the Qur'an illustrate what is Not a hukm shari: [Alif, Lamm, Meem. The Romans have been defeated in a nearby land, and after this defeat, they will be victorious. [Qur'an, ar-Rum, 1].

This ayah deals with the history of nations, so it is not related to the actions of individual.

**Classification of hukm shari :** In the Islamic Divine law the hukm shari in regard to all human behavior can be divided into two kinds:

1. Hukm Tak'lifi .
2. Hukm Wad'i.

**1. Grouping of Hukm Tak'lifi :** The Hukm Tak'lifi ruling is the speech of the legislator who demands the performance or abstention from doing or choosing the degrees of command and prohibition: One of the beauties of Islam is that it does not issue a positive or negative judgment like others. Religions, but every order or prohibition falls into a specific category. This is very helpful for your followers. Ahukm shari'yyah are not of the same value. Ruling in the Qur'an or Sunnah sometimes requires an obligation, recommendation, or just permission. When a judgment indicates an obligation to perform an act absolutely, then that action is called Wajib [duty]. When the ruling indicates absolute abstinence from an action, this action is called forbidden [prohibited]. When the judgment indicates that the demand to perform a job is not decisive, the verb is called Mandoob [recommended]. When the judgment hints that the demand to refrain from doing something is not decisive, the action is called reprehensible [rejected]. When the referee hints that the request gives a choice between performing an action and omitting it, the action is

| Degrees of Positive Commands | Degrees of Prohibitive Command |
|------------------------------|--------------------------------|
| Wajib (Obligatory)           | Haram (Unlawful)               |
| Mandoob (Recommended)        | Makrooh (Disapproved).         |
| Mubah (Permissable)          |                                |

| Degrees of Positive Commands                | Degrees of Prohibitive Command       |
|---|--------------------------------------|
| Fard [Prescribed]                           | Haraam (Unlawful)                    |
| Wajib [Obligatory]                          | Makrooh Tahreemi [Strongly disliked] |
| Sunnate Muakkada [Emphasised Sunnah]        | Isa'at [Detested]                    |
| Sunnate Ghair Muakkada [Recommended Sunnah] | Makrooh Tanzihi [Disliked]           |
| Mustahabb [Recommended]                     | Khilafe Awla                         |
| Mubah (Permissable)                         |                                      |

Hukm Wad'I : The wadi ruling (passive law) legitimizes something as a cause (insult), condition (charts), or an obstacle to the specific law. An explicit example is a hadith: [There is no marriage without two witnesses]. Thus, the presence of witnesses became a condition for a correct marriage. Another example is the hadith (no will for an heir) which limits the will.

### Importance of Hukm Shar'i :

The Sharia ruling is a connection from the Sharia (God and the Prophet, may God bless him and grant him peace) regarding the behavior of the taxpayer (to whom the law applies, i.e. a reasonable and senior person) that may be in the form of a request, an option, or just legislation. When the communication takes place in the form of a request or an option, the judgment is called "mandatory judgment (definition of law). If the communication is in the form of legislation for a reason or condition only, it is called a wadi ruling (interpretive law) [see explanation below].

The mandatory judgment may be in the form of a fard, a pocket, a mandab, a vagina, a makrouh, and a forbidden. According to the majority, fard and wazeb are synonymous. If there is a binding demand from the legislator to do something, then it is mandatory. However, the Hanafi view the request as an individual when the text and the meaning are categorical (qati) and Wazib when the text or meaning is contemplative (Zanni - because it is subject to an interpretation of the meaning or investigation of authenticity)



