

Classification of Hukm Shar'ī and Comprehensiveness of Shariah

Dr. Muhammad Ijaz *

Subject and goal of Fiqh and Usul al Fiqh is Ahkām Shar'iyyah. Usūl al-Fiqh means knowledge of principles by the acquaintance of which one has an access to the derivation of legal rules (Ahkām Shar'iyyah)⁽¹⁾ And Fiqh is defined as the knowledge of the commands of the Shariah (Ahkām Shar'iyyah) relating to the conduct of man derived on the basis of their detailed proofs⁽²⁾.

Above mentioned definitions show that the subject matter of Fiqh and Usūl al-Fiqh is Hukm Shar'ī. Fiqh is the name of the knowledge of Ahkam Shar'iyyah itself and Usul al-Fiqh is the knowledge of those principles which are essential to have access to Ahkam Shar'iyyah. So subject matter of Usul al-Fiqh and Fiqh is Hukm Shar'ī. This discussion reflects the importance and position of Hukm Shar'ī in Shariah. In this article, it is aimed to explain Hukm Shar'ī and its classification to determine the comprehensiveness of Shariah and to show how the Shariah differs and dominates the other man made laws.

Hukm:

Hukm means "the judging of a thing to stand to another thing in relation of an attribute to its subject, affirmatively or negatively, such as the judgment that the moon is rising or not"⁽³⁾. The fact of rising or not rising has been attributed to the moon. So, it stands as a hukm (judgment) about the moon.

In Usūl al-Fiqh, the word hukm technically has been defined as:

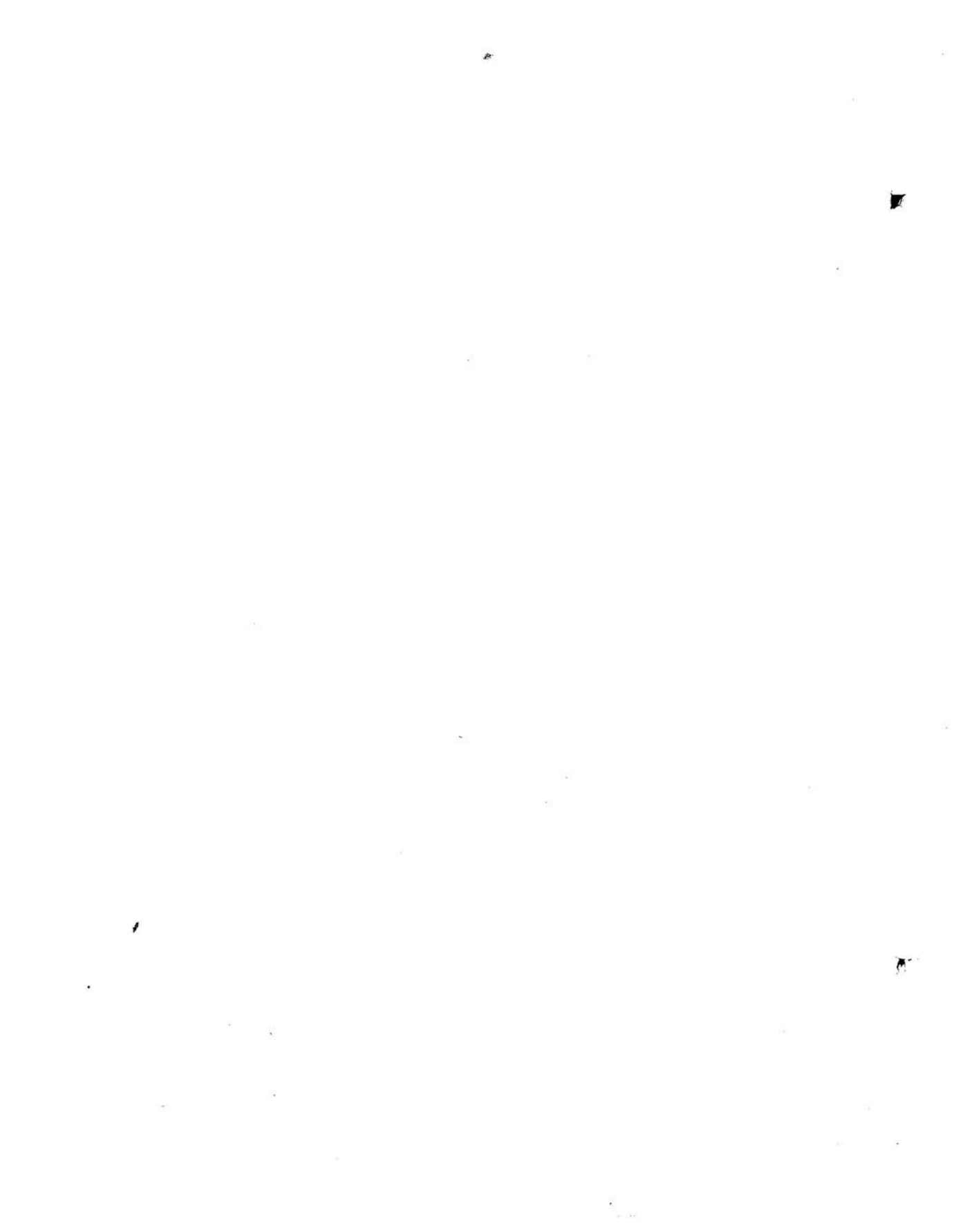
"The communication of God relating to the acts of Mukallafeen demanding to do or not to do an act or giving a choice for its performance, or declaring a thing to be a cause or a condition of a command, or an impediment to it"⁽⁴⁾.

Mukallafeen is the plural of Mukallaf. Mukaffaf is the person who is subject of law. Technically taklīf means legal obligation. Taklīf means to demand of whatever involves inconvenience⁽⁵⁾. Abdur Rahīm described hukm as law. He stated "Law (hukm) according to Muhammadan jurists, is that which is established by a communication (Khitāb) from God with reference to men's acts, expressive either of demand or indifference on His part, or being merely declaratory"⁽⁶⁾.

Classification of Hukm Shar'ī:

Hukm Shar'ī means the communication of the lawgiver. The communication either demands of the person under legal obligation to do or not to do

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