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A Review of *Uṣūliyyīn*'s Legal Theory on Interpretation of *Hukm-e Shari'ah*

Abstract

Legal theorists assert that *hukmshar'i* is a message from Allah, the Exalted, referring to the deeds of the subjects in the form of a demand, an option, or a statement. A statement outlining the demand communication option, the commission's obligation to bind (*ijab*), the non-binding recommendation (*nadb*), Demand Prohibition on forbidding or Binding (*tahrim*), Option Inaction and inaction Permissibility (*ibadah*), Omission Non-binding Objectivity (*karaha*), Declaration Obstacle (*mani*) Reason (*sabab*) Status (*shart*). According to Muslim theologians, *hukm* can be described as the communication of Allah s.w.t concerning the conduct of the competent persons by way of command, option, or declaration" in terms of terminology.¹ Muslim jurists (*fuqahā*), is also conduct the same way to defining the *hukm*.²

Uṣūliyyīn interpreted the *hukm shara'i*, or the text itself; in contrast, *fuqahā* views it as the necessity, or what is understood from it, such as the duty to fulfil the contracts.³ *Fuqahā* are experts in *shari'ah*, which is a system of moral principles that govern and obligate Muslims. Conversely, *uṣūliyyīn*, as the title implies as well, are focused on the rationale behind why and how a set of standards binds and regulates.

Keywords: *Hukm e Shariah*, *Usuleen*, Legal Theory, *Fard wajib*, *Fard e Kifaya*

1. Introduction of *Hukm e Sharī'ah*

An Arabic word *Hukm* with multiple connotations, *ahkam* (plural of *hukm*, rulings) is used in Islamic terminology. The word *hukm* is used throughout the Quran to refer to Allah's Almighty will, authority, arbitration, and more. *Hukmshar'ī* refers to the provenance of something to another; either it has positive or negative. It can be rational or habitual, and the means by which something is attributed can be reason or habit. The term *Sharī'ah* is derived from the noun *shar* meaning supremacy and loftiness. Muslim theologians and jurists define *hukm* as the message or announcement of Allah's.s.w.t concerning the conduct of capable persons by his command, option, or declaration. The concept of *Sharī'ah* is viewed by *fuqahā* as the content of the standard or its condition, while *uṣūliyyīn* see it as the standard of behavior itself as the communication of Allah. The dispute among the communication of the *hukm* giver and its consequence is often resolved by resorting to one revelry individually. Critics argue that the traditional definition of *hukm* is exclusive to acts of *Sharī'ah* competent persons and fails to include the rights of embryos, animals, minors, insane, and juristic persons. *HukmShar'i*, or lawgiver communication, offers individuals legal obligations two options, mandates specific tasks, and explains reasons behind orders. It comes in two varieties: *Hukm-Taklifi* and *Hukm-e Wada'i*.

2. *HukmShar'ī, Khiṭābal-Shara'ī*

In its literally, *Hukmshar'ī*, *ahkam* refers to an Islamic legal principle⁴. According to its technical definition, the term *hukm* is “The statement of almighty (lawgiver) concerning to the activities of *Mukallafeen*, requiring that they execute an act or not, offering an option about its performance, or pronouncing a something to be the reason behind, a prerequisite for, or a barrier to an order”.⁵

Consequently, *ahkam* is used in Islamic rules and it is the plural form of *hukm*, which denotes a command, an absolute, an order, a judgment, an injunction, a prescription, and a decree. This guideline, which might be of any kind, instructs one to give an order to another whether they agree with it or not. You might imply that fire burns, the moon is rising, or that it is not rising. It is regarded as a principle of Islamic law technically.

Hukm and *shar'ī* are the two terms that makes up *hukm shar'ī*. A noun is *hukm*, while an adjective is *shar'ī*. In its purest form, *Hukm* refers to the assigning of something to another, regardless of either adversely or favorably. When something is positively attributed to another, it is an assertion that the other has the former, and when it is negatively attributed, it is an assertion that it does not.

Reason and habit are two possible factors that might be used to assign anything positively or negatively to another. If the former, it is referred to as *hukmaql* rational judgement, which includes the ideas that two cannot be reconciled and that one, is half of two.

If it is habitual, it is known as habitual judgement, for example, that wood floats and fire burns. Furthermore, *Sharī'ah* can be used to assign something, favorably or unfavorably; here is where the adjective *shar'ī*, which characterizes the noun *ḥukm*, comes in Islam is called *sharīah* meaning loftiness and supremacy because the adjective *Sharī* comes from the word *shar*, which means supremacy and loftiness.

Shar is also considered to signify the place where water is found; hence Islam is called *sharīah* since in the same way water is the root as a source of life Sharai obedience must also be necessary for the betterment of life.⁶

The *Hukmshar'ī* is made up of four essential components. These elements are: the *Hākim*, the *maḥkūmalayh*, the *maḥkūmfih* (which relates to the actions or activities of the *mukallaf*), and the *ḥukm*(ruling)⁷. There are two types of *Khiṭāb al-shara'ī* (Allah Speech), The initial type refers to the innate language that resides within Him (*kalāmnaḥsi 'azali*).⁸ This kind is one of Allah's qualities, and theologians do not imply this when they introduce their definition in contrast to the one provided by jurists.

The second refers to verbal discourse (*kalāmlafzī*), which is the first sort of *ḥukm's* expression. The precise meaning in which express through the references of the Qur'an, and the perspective of jurists, indirectly to the other sources of *ḥukmshar'ī*.⁹ In addition, if we believe that *Khiṭāb al-Shara'ī* is his original utterance and cannot be *ḥukm*, the outcome would still be unsatisfactory for *dalīl*, just like the rejected one did nobody has considered *Khiṭāb* to be one of Allah's qualities. Accordingly *Hukm* is simply elaborate as the announcement of the Allah s.w.t in which something order to the person (subject) who is capable, with giving a choices between them, or perform an act and refrain from an act, is the definition of *ḥukm*. It also refers to a declaration that something is a cause, condition, or hindrance.¹⁰

Whether it is defined by *uṣūliyyīn* or *fuqahā*, the terminological definition of *ḥukmshar'ī* is the message of Allah s.w.t. which is the basis for attributing anything to someone. The distinction between the two, *uṣūliyyīn* and *fuqahā*, is that the former considers itself to be *ḥukmshar'ī*, while the latter views itself as the thing attributed, i.e., command, option, and declaration. Even though they belong to the same genus that is, *ḥukmshar'ī* command, option, and declaration are not the same sort. The two categories of *Hukmshar'ī* are *ḥukmwaḍa'ī* (declaratory rule) and *ḥukmtaklīfī* (defining rule). While declaration belongs to the latter, command and option belong to the former.¹¹

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Rewards are given for commissionally fulfilling a responsibility; penalties are meted out for omissionally failing to do so. On the other hand, a recommendation that is followed through on commission much like an obligation rewards the capable individual. However, unlike obligations, noncompliance does not result in punishment for the *mukallaf*.¹² in the Quranic surah Sūrat al-Talaq verse Allahs.w.t said:

لِيَنْفِقْ ذُو سَعَةٍ مِنْ سَعَتِهِ¹³

“Let him who ample means spend in accordance with his amplitude”.

HukmShar'i translates to lawgiver communication. The communication gives the individual facing legal obligations two options: it either gives him the chance to choose among multiple options, or it mandates that he perform particular tasks. Additionally, the communication states that something is the reason behind an order, its prerequisite, or a barrier to it. It demonstrates that *hukmShar'i* comes in two varieties. There are two divisions in *HukmShar'i*: *Hukm-Taklifi* and *Hukm-e Wada'i*. It basically determines the extent of an individual's freedom of movement. Most legal theorists (*jumhur*) divide *hukmtaklifi* into two parts and into five groups¹⁴.

3. *Hukm E Taklifi* And *Al-Ahkam Al Khamsa*

The five rulings (*al-ahkam, al-khamsa*) are five categories into which sharia law can be divided. Morally upright people (*Mukallif*) follow one of the following guidelines according to the Hanafi Madhhab.

a) ***Fard/wajib*** - necessary, required

In Islam, *fardh* (Arabic: فرض) also known as *farīdah* (فريضة) or just fard is a religious obligation given by Almighty s.w.t. For every good doings, Muslims who follow these directives or fulfill their obligations are said to obtain *hasanat*, good deeds *ajr* (reward), or *thawab* (ثواب). *Salat*, the *Hajj*, Islamic funerals, and acknowledging the salutation *As-salamu alaykum*., the five pillars of prayer, along with that which has been established by *SunnaMuttawatir*, like reciting the Quran during prayer are all considered to be fardh. The communication known as an obligation (*ijab*) absolute requirements for a certain act. The term for the communication's legal effect is *wujub* (meant to be required). The deed that the *ijab* refers to and which is characterized by *wajib* (obligatory), which means *wujub*. For instance, "O you, who believe, fulfil the duty"¹⁵ According to Quran, this verse is a *hukm shar'i*. According to jurists, the passage has *hukmshar'i*, or the obligation to complete the obligation, as its legal effect.

9 b) **musta'abb/ mand'ub** – advised:

In literally *Mustahabb*, which means beloved thing in Arabic (مُسْتَحَبَّ), is an Islamic phrase for something that is advised and preferred. *Mustahabb* actions are those that, according to Islamic law, fall between *wajib* (compulsory) and *mubah* (neutral; neither encouraged nor discouraged). *Mustahabb* consists of *As-salamu alaykum*, shaving of the pubic and underarm hair, and *Sadaqah*. Technically (*najb*) is a communication that hesitantly requests that a task be carried out. The communication's legal impact is known as *nadb*.

The act that *nadb* refers to and characterizes is known as *mandub* (recommended) For instance,

"O you, who believe, write down any debt you agree to for a specific period of time." (2:282) Despite what the context of the *hukm* suggests, the demand to void the debt contract is not absolute or conclusive.

c) **Mubah** - neutral and not involving Allah's s.w.t wrath

The Arabic term *mubāh* (مباح) loosely translates to permit and has specific use in Islamic law. *Mubāh* is one of the five degrees of acceptance (*ahkam*) in book *uṣūl al-fiqh* (the principles of Islamic jurisprudence): In terms of property law, *mubah* refers to items without an owner. Quran reprehensions may be illustrated by the verse which reads: "O you, who believe, ask not questions about things which if made plain to you, may cause you trouble; and if you ask about them when the Quran is being revealed, they will be made explain to you. Allah s.w.t will forgive those; and Allahs.w.t is oft-Forgiving, most Forbearing".¹⁶

It does not include a directive to commit or omit, whether it be definitive or undecided; instead, the decision to commit or omit is left up to the *mukallaf*. This impartial we refer to this type of *hukmtaklīf* as "*al-ibāḥah* (permission). *Ibahah* is another word for the communication's legal impact. For instance,

"And after the prayer is over, you might spread out over the land and seek of the reward of Allah s.w.t." (62:10)

Following instructions, whether given by commission or omission, In contrast to the preceding four, neither grants the *mukallaf* the right to neither confers upon him the possibility of punishment.¹⁷

d) **Makruh** - despised and repugnant

The statement that vehemently forbids engaging in a particular action is known as prohibition (*tahrim*). Repugnant, abhorred, hostile, and disagreeable. Usually alludes to one of the five permissible principles found in Sharia of Islam, which are: *fard* or *wajib*, which is required; *mustahabb* or *mandub*, which is preferred; *halal*, which is allowed; and *haram*, which is forbidden. While not strictly prohibited by law, *makruh* activities are discouraged. Divorce, using foul language, eating garlic before visiting the *masjid*, and performing *wudu* with a lot

of water are all considered *makruh*. The act that is related to by *tahrim* and is indicated by *hurmah* is referred to as *haram* (prohibited).

For instance, "And do not approach fornication, for it is obscenity. And the way is bad (17:32). "O you, who believe, hasten to remember Allah s.w.t and stop trading when the call to prayer is proclaimed on Friday." (62:9)

e) **Haram-** Forbidden

The Arabic word for forbidden is *haram*. A phrase from Arabic that means not allowed. Regarding Islamic finance, Muslims are prohibited from investing in, purchasing or otherwise participating in transactions involving goods and activities that are prohibited, such as alcohol, Consuming blood, forbidding foods, *shirk*, *zina*, and *riba*, gambling, pornography, and products related to pork are all considered *haram*. To doing a forbidden deed or abstain from a mandatory deed is a sin or a crime.¹⁸ It is thought that good efforts would be rewarded in the afterlife. While permissible activities are not subject to punishment from Allahs.w.t. There is debate among jurists on whether the phrase "all" refers to the first four or the first three categories. Whether an action is justified by necessity determines the legal and moral outcome. Therefore, the act that the lawgiver requires the subject to perform can be classified as either mandatory (*mandub*) or optional (*wajib*). The conduct from which the Allah orders the person to abstain is are of two types: it is either forbidden or *makruh*. There is only one permissible (*mubah*) conduct that the subject can choose from among commission and omission.

4. Declaratory law (*Hukm – e wad'i*)

Declaratory law (*hukmwad'i*) regulates the accurate procedure of defining law (*hukmtaklifi*) through outlining the conditions, exceptions, and qualifications. It is the communication from the lawgiver designating anything because a cause (*sabab*) reason behind the order, condition (*shart*) making something necessary, of a rule, or obstacle (*Mani'*), to it.

a) **Sabab (Cause):**

It is the reason behind the invocation or establishment of a *hukmtaklifi*¹⁹. Having a minimal amount of wealth (*nisab*) the reason which is required for *zakat* payments.

"So whoever is present this month let them fast. But whoever is ill or on a journey, then 'let them fast' an equal number of days 'after Ramadan. (2:185)"²⁰

b) **Shart(condition):**

8

In literal terms, *Shart* implies an unbreakable sign. According to technical definitions, *shart* refers to something that completes what is necessary for the object of conditions (*mashrut*) to exist, but the completion of it need not result in the thing's existence. Establish daily prayers for the setting sun. (17:78)²¹ In this verse, it is said that offering the midday prayer is done because of the sun's waning. Conversely, the condition is: That whose existence does not necessarily imply *hukm* will exist and if they non-exist the *hukm* will also be non-exist.²² "Prayer cannot be valid unless it is pure. Prayer will not be accepted if it does not exist, but if it does, the *mukallaf* is not required to offer it."²³

c) *Mani'* (Impediment)

A *Mani* is one whose presence implies the absence of the order.

O you who believe when you stand up for prayer, wash your faces, your hands up to your elbows, wipe your head, and (wash) your feet up to your ankles.²⁴

This legal directive concerns the requirement of purity for the efficacy of prayer. That whose non-existence does not always imply the existence of *hukm*, and whose existence implies the non-existence of *hukm*²⁵. As in the case of a father who does not murder his son in vengeance²⁶. For instance, fatherhood is an obstacle to simple retaliation. However, that does not imply that if the murderer is merely taking revenge and is not the victim's father will inevitably be placed on him²⁷. Narrated Umar Bin al-Khattāb: I heard the Prophets.a.w saying: revenge will not be taken upon a father for having killed his son.²⁸ In following hadith the reason behind the abstaining from retaliation is fatherhood.

Another existing group of *hukmwada'i* is *Sahih* (valid), *Fasid* (Irregular) and *Batil* (Invalid). *Sahih* is a situation in which all of the necessary components and circumstances are met to the extent that the *Shari'ah* recognizes them in relation to the directive. Therefore, when all of the necessary components and requirements are met, prayer, fasting, and sales are all genuine.²⁹ *Batil* is one that disregards the goal in every way despite the Presence of the form; either through the failure to achieve the goal of the precise of disposition due to person's inability³⁰. *Fasid* is described as something that, although valid in nature, is not genuine in attribute.³¹

5. Conditional and unconditional demand on *Hukme Shari*

Absoluteness refers to the extent and coverage of a term in relation to its meanings and states, despite the term being employed in a way that deviates from the understanding of an ambiguous noun with a negative way. Context, as the phrase would then be seen as generic rather than absolute. Possession and privation are the opposite of absolute and qualified, since absoluteness is the

absence of qualification in that which is qualified.³² Therefore, in the sense that absoluteness (*mutlaq*) is impossible if it is impossible, and absoluteness is possible if it is feasible in the form of speech or proof, absoluteness precedes qualification in the potential. Therefore, in situations when qualification cannot be possible, it is impossible to discern absoluteness from the speaker's speech; it is neither *mutliq* nor *muqayyad*, while one of them is unavoidably proposed by the orator. In some situations, absoluteness can be found not from speech but rather from the absoluteness of the viewpoint (*iṭlāq al-maqām* and *iṭlāq al-maqāmī*). The absoluteness of the argument refers to the speaker's ability to express the condition he intends to impose in a subsequent sentence, even when he is unable to do so in a single sentence. The idea behind the conflict among absolute or qualified is that one cannot assume both the absolute and qualified duties entirely if one desire to maintain both of their contradictory looks. Only in cases when the causes and conclusions are identical can contradiction arise. Therefore, in cases where causes differ, such as in If you break you're fast on purpose, then free a slave and if committed harmful integration, then set a slave free, there would be no conflict. (b) Decisions are distinct, such as if you break a fast on purpose, and then free a slave and if you miss your fast on reason, and then fast sixty days. (c) While it is advised in the qualified, judgments in the absolute is required; (d) it is clear from the obligation in the qualified than this is an additional task that has to be completed. Hence, if contradicting absolute and qualified are found in a legal statement, the only options are to either alter the absolute's appearance or base it on the qualified or alter the qualified so that it no longer contradicts the absolute and retains its absoluteness³³. So which of those modifications is better? Must address the issue in several situations since, on the one hand, absolute and qualifying agree or disapprove in affirmative or denial, and, on the other, absoluteness becomes either substitutional or inclusive (when a noun is definite).³⁴

Absolute or qualified contradict in assertion or negation, regardless of whether the absoluteness is inclusive (*shumūlī*, like in In the case of the slaves who do not believe) or substitutional (*badalī*, like in release a slave and do not release an unbeliever slave). There is *zakāt* in sheep, and there isn't *zakāt* in fed sheep. In such a situation, the absolute should undoubtedly be based on the qualified as the latter serves as proof of the absolute's intended meaning. Therefore, the first concludes, free a believer slave, whereas the second concludes, there is *zakāt* in the pastured sheep.

In affirmation or denial, absolute and qualified agree, and the absoluteness is substitutional. For example, the heavenly lawgiver's two mandates for releasing a slave that should be free or believer. In this case, Even though it is possible to base the qualified on the absolute, the qualified's appearance in the determinate duty should take precedence over the absolute's in the absoluteness because the

qualified may serve as evidence for the absolute, and it is likely that the almighty s.w.t has use this into account. In affirmation or negation, there is absolute and qualified agreement, and the absoluteness (*mutlaqiyat*) is comprehensive.

6. *Hukm* as the standard's content or demand

Consequently, *fuqahā* have viewed *hukm* as the standard's content or demand, which is the result of Allah's.w.t revelation. However, *uṣūliyyīn* have viewed *hukm* as the standard of behaviour itself, as Allah's.w.t communication, because it's binding and regulating character is justified by its nature rather than its substance. Since *hukm* is approached from two different angles, it makes sense to arrive at these two different interpretations of the latter. For this reason, Ibn Al-Humām and Al-Taftazāni may have viewed *hukm* as a homonym (*mushtarak*), denoting the communication and the effect of this communication.³⁵ It's not realistic to determine whether *hukm* is the communication containing a rule or a rule contained by the communication spends the same amount of time attempting to find out whether man is a body occupied by a soul or a soul occupying a body, so it is implausible to expend much time attempting to this. People speak to the combination of body and soul when they talk about man since a body cannot exist without a soul occupying it, and a soul cannot be perceived without a body.

7. *Hukm* as the combination of text and meaning

Similar to this, when scholars discuss *hukm*, they are referring to the combination of text and meaning because meaning cannot be conveyed unless it is carried by text, and the person who wishes to separate communication from its effect is the same as the person who wishes to separate body and soul without causing death. Because of this, theologians were forced to include in their definition that Allahs.w.t communicates by commands, choices, or declarations, all of which cannot be determined without a thorough comprehension of the communication's content. Consequently, jurists were compelled to declare in their definition that Allah s.w.t communicates through communication, whose result is *hukm*. The theological triangle known as *hukm* is made up of the *hukm*-giver, His subjects, and His communication³⁶ just mentioned that communication serves as the bridge connecting the earlier and later. Ultimately, it is argued that the definition of *hukm* that theologians have proposed is the proper one, not the definition put out by jurists, who define *hukm* as something that designates the subject matter of *hukm* (*al-maḥkūmfīh*) rather than *hukm* itself. According to Al-Isnawī stated the following two objections in an effort to support the jurists' viewpoint, which is opposed by

the theologians and our own favored viewpoint: First of all, speech is meant by the term *Khiṭāb* (communication). Thus, if we say *Khiṭābal-sharāʿī*, which means the transmission of the *ḥukm* provider, and attribute it to Allah s.w.t the Almighty, we would be referring to one of Qualities of *Al-ṢifātAl-dhatiyyah*. As such, *ḥukm* would be one of these qualities, and no one had ever possessed it before. Second, *ḥukm* and evidence (*dalīl*) need to be distinguished from one another. The *ḥukm*-giver's rule is known as *Ḥukm*. While evidence *dalīl* serves as a guide for it. This unique boundary can only be obtained by accepting the legal scholars' perspective that *ḥukm* is the result of the dialogue between the *ḥukm* giver and *dalīl* is the dialogue on its own. However, if *ḥukm* is understood to refer to the exchange of the *ḥukm*, *dalīl*, and *ḥukm*-giver would all be the same. Al-Isnawi states: There are several issues with the definition in question. In the first, speech is one of Allah's.w.t essential attributes according to al-Asfahānī in *Sharḥal-Maḥṣūl*, for those who advance such a definition. In contrast, Islamic theology (*ʿilmal-kalām*) holds that the *Shariʿahḥukm* is one of Allah's.w.t additional not essential. As a result, *ḥukm* cannot be characterised as Allah's.w.t communication as it cannot be associated with the primordial speech. In the second sense, communication is proof rather than *ḥukm* itself. This is due to the fact that Allah's.w.t command to establish prayers refers to the evidence rather than the *ḥukm* itself. Do you not see them claiming that an absolute command establishes an obligation.³⁷

8. *Fard* or *Wajib* Obligatory Commands of Shariah

In Islam, *fard* (Arabic :) is a religious obligation that Allah s.w.t has mandated. The same concept is conveyed by the word in Turkish, Persian, Pashto, Urdu (*farz*), and Malay. Muslims who carry out these directives or obligations are supposed to be rewarded with *hasanat*, *ajr*, or *thawab* for each good deed. The term *fard* refers to that which is proven to be compulsory on the basis of definite evidence, according to the companions of Abu Hanifah.³⁸ One of the five forms of *ahkam* into which fiqh categorize every Muslim's actions is *fard*, also known by its synonym *wajib*. However, the Hanafi fiqh distinguishes between *wajib* and *fard*, with the latter being compulsory and the former being to a somewhat lower extent than being mandatory. From a *Shariah* standpoint, the term *fard* refers to a mandatory act or responsibility that Muslims are expected to carry out. It is a fundamental principle of Islamic law that derives from the Quran, the Hadith, and the agreement of Islamic scholars. It is broken down into two categories: Personally mandatory (*fard al-ʿayn*), which every Muslim must perform (such as the five daily prayers and zakat), and communally obligatory (*fard al-kifaya*), which some Muslims must observe even if others are not compelled to (such as funeral prayers). Mandatory *fard*-acts are seen as sinful if they are not performed. There are five categories of *ahkam taklifiyyah* (laws) in the *Shari'ah*: *Fard*

(obligatory), *Mandoob* (preferred), *Mubah* (permissible), *Makruh* (disliked), and *Haram* (forbidden). *Ayn* (individual obligation) and *Kifayah* (collective obligation) are the two categories under which the *ahkam* (rules) relating to responsibilities can be broken down. The five daily prayers (*Salah*), for instance, are examples of *fard* deeds. Fasting during the month of Ramadan (*Sawm*), making the required charitable donation (*Zakat*) for those who qualify, making the *Hajj* pilgrimage to *Makkah* for those who can do so financially and physically, and believing in the prophet hood of Muhammad. *Farz 'ayn*, or duties incumbent upon each individual, and *fard kifayah*, or obligations incumbent upon the community as a whole, make up the religious requirements in Islam that are considered obligatory. The following is a more thorough legal description of this obligation:

Fard Ayn is what the lawgiver (Allah s.w.t) commands every (*mukalaf*) individual to do and it is not lawfully sufficient another person does it in his place, such as the prayer, *zakat*, *hajj*, and fulfilment of promises (or contracts)"³⁹Refers to the legal responsibilities that each Muslim has to fulfil, such as prayer, almsgiving, fasting, and pilgrimage. Individual and collective obligations are contrasted (*fardal-kifayah*).

9. 1Fard 'ayn (Individual obligations) of *Sharia*

Individual obligations, or *fard-al-'ayn*, must be fulfilled, including daily prayer (*salat*) and the *hajj*, or pilgrimage to *Makkah*, if one is financially able to do so⁴⁰. A person who does not do this will be punished in the hereafter (though they may be excused on the grounds of incapacity), but if they encourage and accomplish the requirement, they will be rewarded.⁴¹ The individual necessary act, like as fasting, prayer, pilgrimage, and so on, is the one that each duty-bound person must perform and that cannot be replaced by obedience from others⁴² *Fard 'ayn* is a phrase used in Islamic law, or *shari'i*. It is something that any rational Muslim who is of legal age must do. There are numerous examples of this, such as the *fard 'ayn* upon every Muslim of believing in the unity of Allah, in the prophet hood and messenger ship of Sayyiduna Muhammads.a.w, and in everything he has brought from Allah s.w.t. It is *fard 'ayn* upon every Muslim to obey the Messenger of Allah s.w.t, , and to adhere to his laws. It is *fard 'ayn* upon every Muslim to love Allah s.w.t and His Messengers.a.w. Every Muslim must believe in the *Qiyamah* (Resurrection), which states that the entire universe, including the earth, the sky, and everything in it, will perish one day. The Day of *Qiyamah* is observed on this day.⁴³ Every sane, mature Muslim male and female has a *fard 'ayn* obligation to learn the *fard* (required) and *wajib* (required) requirements of the Din.⁴⁴

It is important to develop the *Tajwid* (articulation) necessary to distinguish each letter's pronunciation in Arabic from every other letter. Every *mukallaf* (responsible Muslim) has the obligation to memorize one verse of the noble Qur'an. The Friday prayer as well as the five daily prayers is both *fard 'ayn*⁴⁵. Fasting is *fard 'ayn*, just like *Salah* (during the month of Ramadan). Denying its duty is *kufir* (skepticism)⁴⁶. It is *fard 'ayn* to engage in *jihad* (religious battle) to defend themselves and fight back if the unbelievers band together and attack (the Muslims), to the extent that it is *fard* upon women and slaves as well.⁴⁷

10. *Fard al-kifayah* (collective obligation) of *Sharia*

Far al-kifayah, also known as the sufficiency responsibility, is a duty that is placed on the entire *Ummah* (community of believers). The traditional example of this is *janaza* (funeral prayer), which can be completed by a sufficient number of community members without the individual doing it. The idea behind *fardkifayah* is that if enough people don't participate, then everyone is guilty of sin, but if enough people participate, then the remainder is absolved of responsibility. As with an individual obligation (*fard 'ayn*), the command is initially given to all of them. However, in the case of *fardkifayah*, the obligation is dropped if enough people agree to carry it out, as opposed to the case with *fard 'ayn*, where the obligation is not dropped if someone else does it.⁴⁸ Being a witness is a *fardkifayah* (collective obligation), meaning that if some persons fulfil their responsibility, others are released from theirs. It falls on them if there are just two individuals there. They must take part, whether they are asked to provide testimony or serve as witnesses.⁴⁹ On the other hand, *FardKifayah* is a requirement placed on everyone who is held legally accountable collectively, and if some people fulfilled it, the others would be released from it. If these requirements are not met, everyone would be regarded as sinful (according to each person's capacity). The communal mandatory act is one where the desired outcome is just the fulfillment of the act, regardless of the individual who performed it. Examples of such acts include cleaning the *masjid* and burying the deceased. Therefore, everyone must take care of that matter; yet if someone takes care of it, others will not be affected. But, if it is disregarded by everyone and left unfinished, everyone will suffer the consequences; if it is carried out by some people, only those who took part would benefit.⁵⁰ Examples include *jihad al-talab*, creating the Islamic state and community, *ghusl* of the Muslim dead, praying, burial the dead, constructing *masjid*, hospitals, courts, and *bayt al-mal*, making sure *ijtihad* is carried out, preserving the Qur'an and the *Shari'ah*, etc.⁵¹

Conclusion

HukmShari is an Islamic legal principle that involves the almighty communicating with *Mukallafeen* regarding their actions. It consists of four components: the *Hākim* (Lawgiver), the *maḥkūmalayh* (the subject), the *maḥkūmfih* (the act of the *mukallaf*), and the *ḥukm* (ruling). *Hukm-eShar'i* is divided into two divisions: *Hukm-Taklifi* and *Hukm-eWada'i*. The five rulings (*al-ahkam, al-khamsa*) are divided into five categories: *Fardh*, *Mustahabb*, *Najb*, *Mubah*, *Makruh*, *Haram*, and Declaratory law. *Makruh* refers to repugnant and hostile actions, while *Haram* is related to *tahrim*. Declaratory law regulates the proper operation of defining law by outlining conditions, exceptions, and qualifications. The lawgiver must determine whether an action is justified by necessity or if it is justified by necessity. The conduct from which the lawgiver orders the subject to abstain is either *haram* (forbidden) or *makruh* (disapproved). Muslim jurists (*fuqahā*) define *ḥukm* as the effect of Allah's.w.tcommunication concerning the conduct of competent persons through command, option, or declaration.

The theological triangle *ḥukm* consists of the *ḥukm*-giver, His subjects, and His communication. Communication serves as a bridge connecting earlier and later aspects of Islamic law. *Khiṭāb al-shara'ī* (Allah s.w.t Speech) is a fundamental principle of Islamic law, consisting of innate language within Allah s.w.t and verbal discourse. *Fard*, a religious obligation mandated by Allah s.w.t, is categorized into *wajib* and *fard*. *Fard-al-'ayn*, or individual obligations, are essential in Islamic law for all Muslims, including daily prayer, fasting, and the *hajj* pilgrimage.

References

1. Abd al-WahhābKhallāf, *IlmUṣūl al-fiqhWaKhulāṣāt al-tashrī‘ al-Islāmī*, .
2. Abdul Aziz al Bukhari, *Kashf al Asrdr*, vol 1,
3. Abdul Haseeb “Command Theory of Legal Positivism and HukmShar‘ī.
4. Abdul Karim Zaydan, *Al Wajiz fi usul al-Fiqh*, Beruit, Muassassah al Risalah, 1987, .
5. Ahmed Hasan , *The principle of Islamic Jurisprudence*.
6. Al Ghazali, Al Mustafa.
7. Az-Zarkashi, *Al-Bahr al-Muhit fi Usul al-Fiqh* (1/240-244)
8. Alireza, *An Introduction to Methodology of Islamic Jurisprudence*.
9. Al-Isnāwi, *Nihāyah al-Sul FiSharḥMinhāj al-Uṣūl*,), vol.
10. Al-Mu'taqad al-Muntaqad ma' al-Mu'tamad al-Mustanad
11. Al-Tirmidhi, *kitāb al-diyāt, bābmājā’Ōafi al-rajulyaqtulibnahuyūqaḍuminhu am lā*, vol. 5,
12. *An Introduction to Methodology of Islamic Jurisprudence*,
13. Badran Abū-‘aynaynBadran, *Uṣūl al-fiqh al-islāmī*,
14. *Bahar-e Shari’at*, part 4,
15. *Command Theory of Legal Positivism and HukmShar‘ī: A comparison*
16. *FatawaRidawiyyahBahisht ki Kunjiyan*
17. *Haji Mohammad, “Rights and Duties in Sharī‘ah and Common Law”*
18. Hallaq, Wael B. *an Introduction to Islamic Lawp*. 20. (2009).
19. Sa‘d al-DīnMus‘adHilālī, *Al-mahārāt al-uṣūliyyahWaĀthāruhāFī al-nudjWa al-tajdīd al-fiqhī*,Hilālī, *Al-mahārāt al-uṣūliyyahWaĀthāruhāFī al-nudjWaal-tajdīd al-fiqhī*.
20. Hodaee, *An Introduction to Methodology of Islamic Jurisprudence*,
21. Ibn al Lahhan ,*al Mukhtaar fi Usti' al Fiqh*, Makkah, Jami'atal Malik Abd al Aziz, ,
22. IbnQudamah, *al-Mughni*, Vol. 9,
23. *Kashaf al Asrar*, vol 1,
24. Kayadibi, *Principles of Islamic Law and the Methods of Interpretation of the Texts* .
25. Saad Abu Elgasim, *Command Theory of Legal Positivism and HukmShar‘ī: A comparison*.
26. Abdul haseeb Ansari and Saad Abu Elgasim *HukmShar‘ī and the Reciprocal Identification Between Its Definition And Subject Matter*.
27. Abu Elgasim, *Command Theory of Legal Positivism andHukmShar‘ī*.
28. *Shafi’i, al-Umm*, Vol. 1,

¹Hilālī, *Al-mahārāt al-uṣūliyyahWaĀthāruhāFī al-nudjWaal-tajdīd al-fiqhī*, p. 217.

²ibid, p.222

- ³ Abd al-WahhābKhallāf, IlmUṣūl al-fiqhWaKhulāṣāt al-tashrī‘ al-Islāmī, p. 97.
- ⁴See Abdul haseeb Ansari and Saad Abu Elgasim (HukmShar‘ī and the Reciprocal Identification Between Its Definition And Subject Matter) pg:4
- ⁵ Sadr al Shariah, al Tanqih, Cairo, Dar al Ahd al JadidlilTiba'ah, ,vol 1, pg 13-14.
- ⁶Sa‘d al-DīnMus‘adHilālī, Al-mahārāt al-uṣūliyyahWaĀthāruhāFī al-nudjWa al-tajdid al-fiqhī,, p. 217.
- ⁷Kayadibi, Principles of Islamic Law and the Methods of Interpretation of the Texts p. 106.
- ⁸ Principles of Islamic Jurisprudence p. 25.
- ⁹The principle of Islamic Jurisprudence , pp. 25-26
- ¹⁰Ahmed Hasan , *The principle of Islamic Jurisprudence*p.30
- ¹¹ Command Theory of Legal Positivism and HukmShar‘ī: A comparison:pg 78.
- ¹²Command Theory of Legal Positivism and HukmShar‘ī., pg81-82
- ¹³, Sūrat al-Talaq 65:7.
- ¹⁴Abdul Karim Zaydan,Al Wajiz fi usul al-Fiqh, Beruit, Muassassah al Risalah, 1987, P.29.
- ¹⁵ Sūrat al-Maidah 5-1.
- ¹⁶Sūrat al-Maidah 5:101
- ¹⁷See Abu Elgasim, “Command Theory of Legal Positivism andHukmShar‘ī.”pg: 83.
- ¹⁸Hallaq, Wael B. *an Introduction to Islamic Law*p. 20. (2009).
- ¹⁹Al Ghazali, Al Mustafa,, 93.
- ²⁰Surah al-Baqara 2:185.
- ²¹Surah Al-Isra
- ²²Command Theory of Legal Positivism and HukmShar‘ī:pg . 84.
- ²³Badran Abū-‘aynaynBadran, Uṣūl al-fiqh al-islāmī, p 290.
- ²⁴Surat Al-Ma‘idah
- ²⁵Abdul Haseeb “Command Theory of Legal Positivism and HukmShar‘ī pg 85.
- ²⁶Ibn al Lahhan ,al Mukhtaar fi Usti' al Fiqh, Makkah, Jami'atal Malik Abd al Aziz , P.67
- ²⁷See Hasan, The principles of Islamic Jurisprudence, p. 193-194
- ²⁸Al-Tirmidhī, kitāb al-diyāt, bābmajā‘afī al-rajulyaqtulibnahuyūqaḍuminhu am lā, vol. 5, at 434
- ²⁹Abdul Aziz al Bukhari, Kashf al Asrdr, vol 1,pg 258.
- ³⁰Taftazani, al Talwih, 11, pg 123
- ³¹Kashaf al Asrar, vol 1, pg 95.
- ³²Hodae, An Introduction to Methodology of Islamic Jurisprudence, pg 60.

- ³³An Introduction to Methodology of Islamic Jurisprudence, pg 60.
- ³⁴ ibid, pg 61.
- ³⁵ Haji Mohammad, “Rights and Duties in Sharī‘ah and Common Law” pg 31-32.
- ³⁶ Saad Abu Elgasim, “Command Theory of Legal Positivism and ḤukmShar‘ī: A comparison.” P 77-95.
- ³⁷ Al-Isnāwī, Nihāyah al-Sul FīSharḥMinhāj al-Uṣūl.), vol. :p 57-58.
- ³⁸ Al-Bahr al-Muhit fi Usul al-Fiqh by az-Zarkashi (1/240-244)
- ³⁹Usul Al-Fiqh, Khalaf's Ilm P. 104
- ⁴⁰Bahar-e Shari'at, part 4, pg. 762
- ⁴¹ Ibn Laham, al-Qawaidwalfawaid, pp 253-255
- ⁴²Hodace, pg 27.
- ⁴³al-Mu'taqad al-Muntaqad ma' al-Mu'tamad al-Mustanad Pg. 180
- ⁴⁴FatawaRidawiyahBahisht ki Kunjiyan Pg. 56
- ⁴⁵Part 4 of Bahar-e Shari'at, page 762
- ⁴⁶Book JannatiZewar's Page 347
- ⁴⁷Part 9 of Bahar-e Shari'at, page 427
- ⁴⁸Shafi'i, al-Umm, Vol. 1, p. 312,
- ⁴⁹Part 12 of Bahar-e Shari'at, page 931
- ⁵⁰ Alireza, An Introduction to Methodology of Islamic Jurisprudence, pg 27.
- ⁵¹, IbnQudamah, al-Mughni, Vol. 9, p. 162,