AL-HUKM AL-SHAR’I

Communication from the Lawgiver regulating the action of a mukallaf in the form of a demand, permission, or enactment.

PILLARS OF AL-HUKM AL-SHAR’I

1. THE LAWGIVER
2. THE SUBJECT MATTER
3. THE AUDIENCE

WHO IS THE LAWGIVER?

1. ALLAH!
2. THE PROPHET?
3. HUMAN INTELLECT?
SUBJECT MATTER OF AL-HUKM AL-SHAR’I

• MUST BE KNOWN

• MUST BE WITHIN THE CAPACITY OF THE AUDIENCE

• RIGHTS OF ALLAH VS. RIGHTS OF CREATION

AUDIENCE OF AL-HUKM AL-SHAR’I – THE MUKALLAF

• WHO IS MUKALLAF [LEGALLY RESPONSIBLE]?
  • Someone who is able to understand and fulfill the demand of the Lawgiver
    • Alive
    • Conscious
    • Sane
    • Mature
    • Uncompelled

NULLIFIERS OF TAKLIF

1. DEATH
2. UNCONSCIOUSNESS
3. SLEEP
4. INSANITY
5. INTOXICATION
6. INFANCY
7. BEING COMPULSED
THE TWO TYPES OF HUKM

Hukm - Communication from the Lawgiver regulating the action of a mukallaf consisting of a demand, permission, or enactment.

1. al-Hukm al-Taklifi
   • demand or permission
2. al-Hukm al-Wad`i
   • enactment