

Explain the difference between illat and Hikmat in the context of Qiyas (analogy) and write down the conditions of Asal and illat.

1. Introduction:-

Islamic Law (Shariah) is a comprehensive system designed to regulate human conduct in all spheres of life. While the primary sources of Islamic Law are the Quran and Sunnah, new situations continuously arise that are not explicitly covered by these sources. To address such matters, Islamic jurisprudence developed secondary sources, among which Qiyas (analogy) occupies a central position.

2. Doctrine of Qiyas:-

Qiyas literally means measurement or comparison, while technically it refers to applying the ruling of an original case (Asl) to a new case (Far) due to the presence of a common effective cause (illat). It is a method through which Islamic Law maintains its relevance and adaptability without departing from divine guidance. Through Qiyas, jurists ensure that new problems are resolved in harmony with established principles of the Shariah.

The Structure of Qiyas (analogy) consists of four essential elements:

- 1: Asl (original case)
- 2: Far (new case)
- 3: Hukm (ruling of original case)
- 4: Illat (effective cause)

If the same Illat found in the Asl exists in the Far, the ruling is extended to the Far. Qiyas is particularly applicable in matters of Muamalat (transactions) and criminal law, while it is generally not applied in pure acts of worship (ibadat). Thus, Qiyas (analogy) acts as a bridge between divine texts and evolving social realities.

3 Concept of Illat (Effective Cause)

Illat (effective cause) is the specific, observable and well-defined attribute upon which a legal ruling is based. It serves as the legal link between the Asl and the Far and is the foundation of Qiyas (analogy). Without identifying a valid Illat, Qiyas cannot be applied.

Case: Asl: Prohibition of wine, Illat: Intoxication

QURAN: O you who believe! Intoxicants and gambling are abominations from the work of Satan.

4. Concept of Hikmat (Wisdom or Purpose).

Hikmat refers to the purpose or benefit intended by the Lawgiver, such as protection of intellect, life or society. It explains why a ruling exists but does not function as a legal cause.

Example:

Hikmat of prohibition of wine: Protection of Intellect, health and moral order.

5. Difference between Illat and Hikmat

i- Meaning:-

a: **Illat**:- Illat refers to the specific legal reason that directly leads to the existence of a particular ruling.

b: **Hikmat**:- Hikmat means the purpose, benefit, or objective intended by the Lawgiver behind a ruling.

ii- Nature:-

a: **Illat**: The nature of Illat is apparent, observable, and measurable. It can be clearly identified in both the original case and the new case. This visibility and precision make illat suitable for legal reasoning and judicial application.

with exact certainty

Example:- Intoxication can be objectively identified through its effects on mental capacity.

b: Hikmat: Hikmat is hidden, abstract, and non-measurable. It often involves moral, social, or spiritual benefits that cannot be qualified or uniformly identified in every case. Because it is not always directly observable, it lacks legal precision.

Example:- Protection of intellect is a general objective and cannot be measured with exact certainty in every individual case.

iii- Role in Qiyas:

a: Illat: Illat is the foundation of Qiyas. Qiyas cannot be established unless a valid Illat is identified in the Asl and Proven to exist in the Far.

b: Hikmat: Hikmat does not serve as a basis for Qiyas. Since it is often uncertain and varies from case to case, relying on Hikmat would introduce subjectivity and inconsistency into legal ruling.

iv- Certainty:

a: Illat: Illat provides objective and definite certainty.

Example: If intoxication is present, prohibition applies, if absent, prohibition does not apply.

DATE: ___/___/___

b: **Hikmat:** Hikmat is subjective and variable.
Example: A person may claim that alcohol does not harm their intellect, yet the law still applies.

v. **Legal Effect:**

a: **Qillat:** Qillat has a directly legal effect. It extends rulings to new cases. Though, Qillat, Islamic law maintains uniformity.

Example: Drugs are prohibited because they share the Qillat of intoxication with wine.

b: **Hikmat:** Hikmat has an explanatory role, not an operative one. It helps scholars understand the spirit of the law and its objectives but does not independently produce legal rulings.

§ **Conditions:-**

A: **Condition of Asl (Original Case)**

i- **Established by Valid Source:**

Ruling of the Asl must be proven by the Quran, Sunnah, or Ijma - Qiyas cannot be based on personal opinion or weak evidence. An unestablished ruling cannot serve as a legal foundation.

ii- **Not Abrogated and Rational in Nature:**

The ruling of the Asl must not be abrogated (mansukh) and must be rational (Maqul-al-Mam). Pure acts of worship are excluded because their

reasoning is not accessible.

iii- **Clear, Known and General:**

The ruling must be clearly defined and free from ambiguity. It should be general, not exceptional or case-specific. Ambiguous or unexceptional rulings cannot be extended through *Qiyas*.

Bi Conditions of Illat (Effective Cause)

(i) **Apparent and Definite:**

The Illat must be apparent (*Zahir*) and not hidden. It must also be definite and measurable (*Mundabit*) so that its presence or absence can be clearly determined in legal case.

(ii) **Legally Relevant (Munasib):**

The Illat must have a reasonable and logical connection with the ruling. It should promote benefit or prevent harm as recognized by Shariah.

(iii) **Consistent and Exclusive:**

The Illat must be consistent (*Muttarid*), meaning the ruling applies wherever the Illat exists. It must also be exclusive, so that absence of the Illat results in absence of the ruling.

(iv) **Shariah-Recognized:**

The Illat must not contradict the Quran or Sunnah. It must be

recognized by Shariah and be common between Asl and Far-
 Ukhud this commonality, Diyat
 is invalid -

2. Conclusion:-

Diyat is an indispensable mechanism that ensures the continuity and adaptability of Islamic law. The clear distinction between Mlat and Hikmat, supported by Quranic injunctions, Prophetic approval and classical juristic practice, safeguards the objectivity of Islamic legal reasoning. By fulfilling strict conditions relating to Asl and Mlat, Diyat enabled Shariah to respond effectively to new legal challenges while remaining firmly rooted in divine sources.

Please give me marks -