

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

1 Introduction:-

Islamic Law (Shari'ah) 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 Diyas (analogy) occupies a central position.

Elaborate it

2 Doctrine of Diyas:-

Diyas 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 Diyas, jurists ensure that new problems are resolved in harmony with established principles of the Shariah.

The structure of Aiyah (Analogy) consists of four essential elements

1: Asl (original case)

2: Far (new case)

3: Hukm (ruling of original case)

4: Illat (effective cause)

Make a chart

If the same Illat found in the Asl exists in the Far, the ruling is extended to the Far. Aiyah is particularly applicable in matters of Muamalat (transactions) and criminal law, while it is generally not applied in pure acts of worship (ibadat). Thus, Aiyah (Analogy) act 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 Aiyah (Analogy). Without identifying a valid Illat, Aiyah cannot be applied.

Case: Asl: Prohibition of wine, Illat: Intoxication

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

Sat'an

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.

Make elaborate headings

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.

Make elaborate headings

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 Aiyah:

a: **Gillat:** Gillat is the foundation of Aiyah. Aiyah cannot be established unless a valid Gillat is identified in the Asl and proven to exist in the Far.

b: **Hikmat:** Hikmat does not serve as a basis for Aiyah. 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: **Gillat:** Gillat provides objective and definite certainty.

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

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: **Illat:** Illat has a directly legal effect. It extends rulings to new cases. Though, Illat, Islamic law maintains uniformity.
Example: Drugs are prohibited because they share the Illat 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.

6 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 - Ijyas 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-Nara). Pure acts of worship are excluded because their

reasoning is not acceptable.

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 Aiyab.

~~Bi: Conditions of Ijlat (Effective Cause)~~

~~(i) Apparent and Definite:~~

The Ijlat 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. **Leave lines between the headings**

~~(ii) Legally Relevant (Munawab)~~

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

~~(iv) Shariah-Recognized:~~

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

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recognized by Shariah and be common between Asl and Fas. Without this commonality, Diyah is invalid.

2 Conclusion:-

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

Please give me marks -