



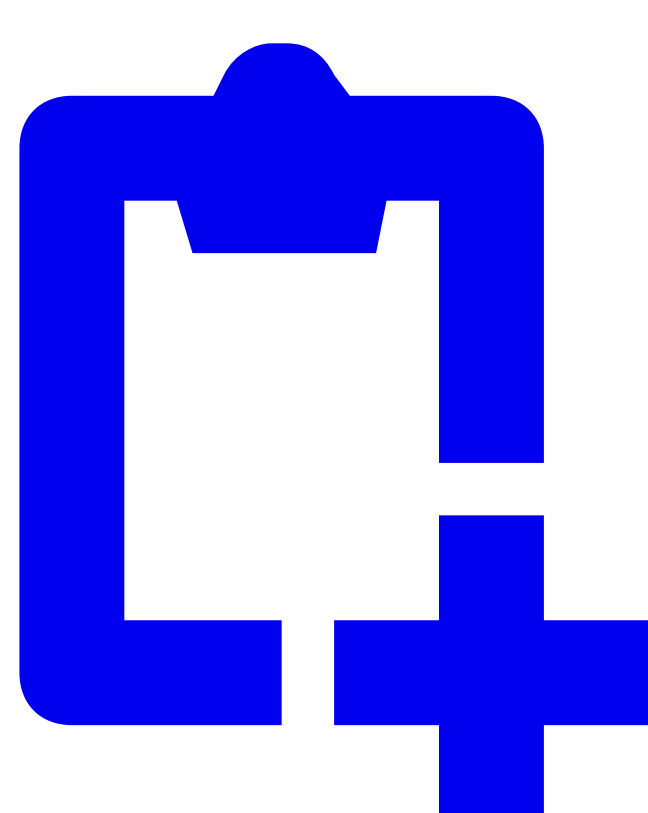
- [Upload](#)
- [Login](#)
- [Signup](#)

•

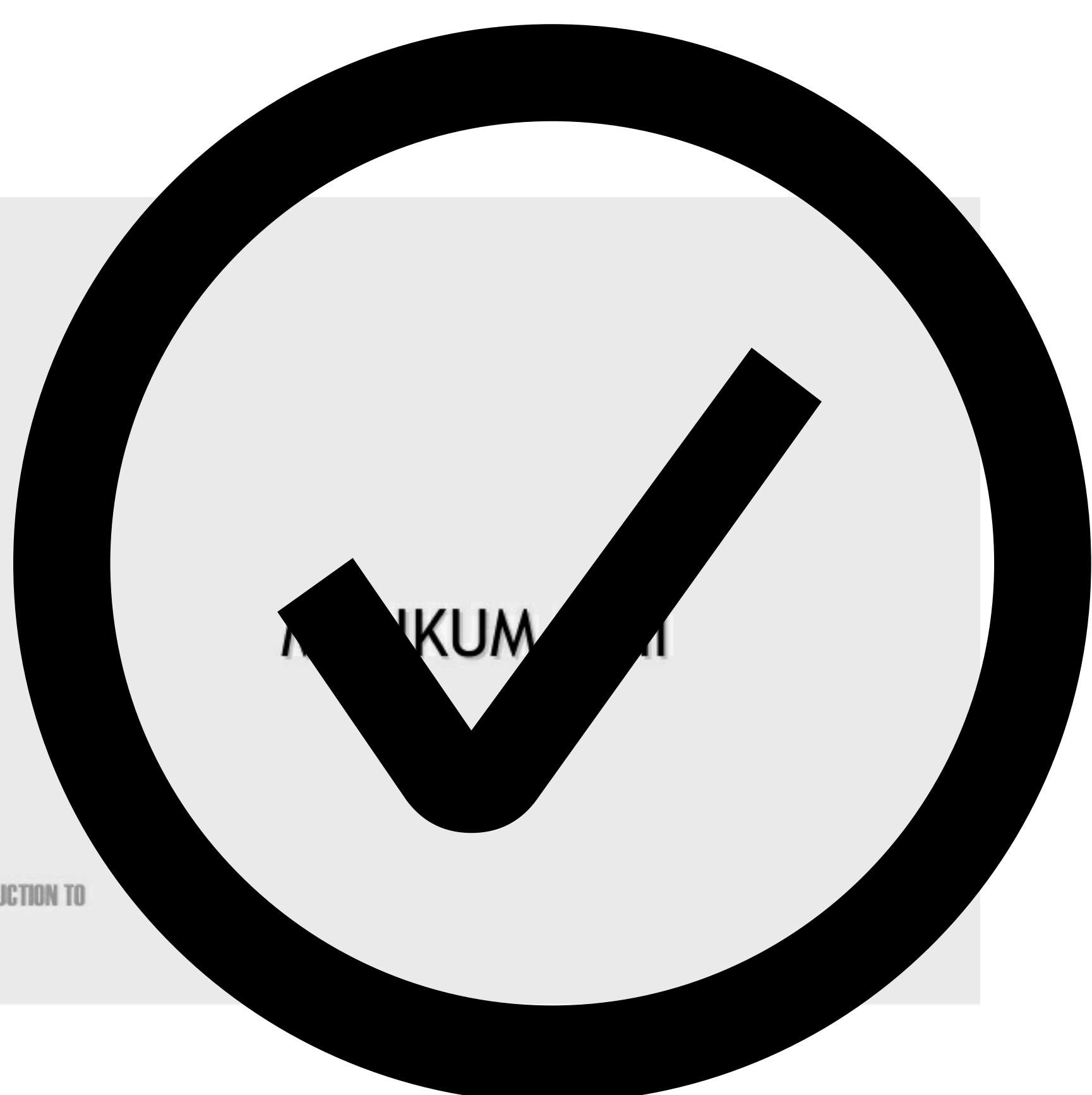
- [Home](#)
- [Explore](#)
- [Presentation Courses](#)
- [PowerPoint Courses](#)
- [by LinkedIn Learning](#)

Successfully reported this slideshow.

We use your LinkedIn profile and activity data to personalize ads and to show you more relevant ads. [You can change your ad preferences anytime.](#)



1 of 24



Introduction to Usul Fiqh :mahkum fih + mahkum alayh

1,081 views

-
-
-
- ...

 **Naim Almashoori** Working

The Lawgiver: The true source from which the law originate AL HUKM AL-SHAR'IAL HUKM AL-SHAR'I The act on which the hukm op...


[Follow](#)

Published on May 31, 2016

Slides from Dr Mohd. Afandi Bin Awang Hamat, IIUM,UIAM

Published in: [Education](#)

- [0 Comments](#)
- [2 Likes](#)
- [Statistics](#)
- [Notes](#)

•  Full Name

Comment goes here.


12 hours ago [Delete Reply Spam Block](#)


Are you sure you want to [Yes No](#)

INTRODUCTION Meaning Conditions Types INTRODUCTION Meaning Conditions Types

 Share your thoughts...

- *Be the first to comment*

-  [Muhammad Ibrahim](#)
4 months ago

-  [hidayatulhasanah](#)
1 year ago

No Downloads

Views

Total views

1,081

On SlideShare

0

From Embeds

0

Number of Embeds

3

Actions

Shares

0

Downloads

18

Comments

0

Likes

2

Embeds 0

No embeds

No notes for slide

Introduction to Usul Fiqh :mahkum fih + mahkum alayh

1. MAHKUM FIHI MAHKUM FIHI INTRODUCTION TO
2. The Lawgiver: The true source from which the law originate AL HUKM AL-SHAR'IAL HUKM AL-SHAR'I The act on which the hukm operates The subject (legal person) for whom conduct the hukm is stipulated. The rule itself
3. INTRODUCTION Meaning Conditions Types INTRODUCTION Meaning Conditions Types
4. AL-HUKM AL-SHAR'I- "A communication from Allah, related to the acts of the subjects through a demand or option or through a declaration"
5. MAHKUM FIHI - SUBJECT MATTER OF THE HUKM The acts, rights and obligations of the mukallaf which constitute the subject matter of a command, prohibition or permissibility. This is because all commands and prohibitions are concerned with the acts and conduct of the mukallaf.
6. CONDITIONS An act (commit or omit) is regarded as subject matter of the hukm (al-taklif) when it fulfils the following conditions: A. Its nature must be made known to the mukallaf like knowing prayer is obligatory. There is no obligation to perform an unknown or uncertain act. [The reason is that the subject has to conceive the act in his mind and usually formulate an intention for its performance] The knowledge about the required act here implies either actual knowledge or at least potential knowledge: 1. Actual knowledge: The mukallaf should either be aware of the nature of the act, this can be achieved simply by his existence within the Islamic territory. 2. Potential knowledge: The mukallaf should be in the position to find out about it directly or indirectly.
7. CONDITIONS [CONT'D] B. The act must be within the capability of the doer or, in the case of a prohibition, be within his capability to avoid as no one is expected to do the impossible. This condition is split up into two sub-conditions: 1. There is no obligation to perform an impossible act. The purpose of creating an obligation is to command the obedience of the mukallaf. If he/she is not able to perform the act, the creation of the obligation becomes futile. 2. The performance of the act should be dependent on the will of the mukallaf. Includes such act that involves the mukallaf's inner emotions over which he have control.
8. Some degree of hardship involved in performing some obligatory acts are regarded to be usual type and not of the impossible ones. The principle is clearly stated in the Qur'an: "God does not obligate a living soul beyond the limits of his capacity." [al-Baqarah, 2:286] "God puts no burden on any person beyond what he has given him" [al-Talaq, 65:7] CONDITIONS [CONT'D]
9. RIGHTS OF INDIVIDUAL PREDOMINANT RIGHTS OF ALLAH MIXED RIGHTS OF ALLAH & INDIVIDUAL RIGHTS RIGHTS RIGHT OF ALLAH PREDOMINANT RIGHTS OF THE INDIVIDUAL TYPES OF RIGHTS
10. RIGHTS OF ALLAH The right of Allah: refers to rights that He has upon His creatures. These acts which must be performed and there is no choice for the mukallaf to ignore it. It also means what is done solely for the public benefit (maslahah al-'Aamah). Some of the Rules that relate to the rights of Allah alone: 1. Pure worship like the pillars of Islam (pillar of Imam and pillar of Islam-such as belief in Allah, Solat, siyam, fasting haji zakat and etc). 2. Pure/perfect punishments only ('uqubah kamilah) like the hudud (zina, sariqah, drinking wine and etc). 3. Imperfect punishment ('uquba qasira) such as excluding a murderer from the inheritance of his victim (son who kills his own father).

11. [RIGHTS OF ALLAH \(CONT'D\)](#) 4. Worship in which there is an element of financial liability such as haji, zakat al-fitr. 5. Financial liability in which there is an element of worship, like the ('ushr) the ten % charge levied on agricultural crops. 6. Financial liability in which there is an element of a punishment, such as the imposition of kharaj tax in the conquered territories. 7. Exclusive rights which is addressed to the mukallaf such as the community right i.e. khums levied on the minerals and spoils of war (ghanimah).
12. [2. Rights of individuals](#): Refers to those rights which are intended for the protection of private (individual) interests. E.g. Paternity right, the right to compensation for loss, the purchaser's right to own the object he has purchased, the vendor's right to own the price paid to him. The enforcement of the rights of individuals are entirely at the option of the individual who have them. He may demand his rights or waive them. Example: Seller may exempt a purchaser from paying the price. 3. Rules in which the right of Allah and the right of individual lie side by side, but the right of Allah is predominant. E.g. hadd of qadh and theft. (similar to the right of Allah) Rules in which the right of Allah and the right of the individual lie side by side, but it is the right of the individual is predominant. E.g. qisas or retaliation for bodily injuries. (similar to the right of the individuals)
13. [13. MAHKUM ALAYH MAHKUM ALAYH INTRODUCTION TO](#)
14. [14. INTRODUCTION](#) Meaning Legal Capacity / al-Ahliyyah Types of legal capacity Deficiencies of capacity / 'Awarid al-Ahliyyah
15. [15. MAHKUM 'ALAYH OR MUKALLAF : THE SUBJECT](#) Taklif: One's qualification to acquire rights and obligations and exercise them lawfully. Mukallaf: a. The person who is subject to a command or prohibition, are present, but all external attribute doesn't permit legal validity of certain acts. Such as a discerning child (al-sabiyy al-mumayyiz) that is from 7 to the age of puberty, an idiot (ma'tuh) whose intellect is defective and weak. They possess a legal capacity which is incomplete and partial. They are capable only of concluding acts and transactions that are totally to their benefit such as accepting gift and charity. As to transaction against their favour, such as giving a gift or making a will (wasiat) or atc, these are not valid regardless of their guardian's supervision. As for transactions which partake in both benefit and loss, such as selling and buying, they are valid with the permission of the guardian.
16. [16. LEGAL CAPACITY - AHLIYYAH](#) Literal meaning Absolute fitness or ability. Technical meaning The ability or fitness to acquire rights and exercise them and accept duties and perform them. Based on the definition, there are two types of capacity: a. Ahliyyat al-wujub. Receptive legal capacity or the capacity for acquisition (of rights) b. Ahliyyat al-ada'. The capacity for execution of performance of duties and obligations.
17. [17. AL-KAMILAH AL-NAQISAH AHLIYYAT AL-WUJUB](#) Divided Into Two 1-Ahliyyah al-Wujud al-Naqisah And 2.Ahliyyat al-Wujud al-Kamilah AHLIYYAT AL-ADA' LEGAL CAPACITY LEGAL CAPACITY AL-QASIRAH
18. [18. Ahliyyat al-wujub](#). The capacity for acquisition (of rights) The capacity for acquisition is the ability of the individual to receive rights and obligations. This kind of capacity is acquired by the existence of life itself. 1-Naqisah: During the stage of Embro 2-Kamilah: After the delivery Ahliyyat al-ada'. The capacity for execution It is the capacity that enables a mukallaf to fulfill rights and discharge obligations, to effect valid acts and transactions, and to bear full responsibility toward God and his fellow human beings. LEGAL CAPACITY – CONT'D
19. [19. AHLIYYAT AL-ADA' - THE CAPACITY FOR EXECUTION](#) The basis of responsibility (taklif) is only acquired upon attaining a certain level of intellectual maturity and competence. Only a person who understands his acts and his words is competent to conclude a contract, discharge an obligation, or be punished for violating the law. As the taklif is based on the intelligence capacity of understanding and discernment which are hidden qualities, the law has linked personal responsibility with the attainment of the age of majority (bulugh), which is an obvious phenomenon. However, it is the intellectual faculty of the individual rather than age which determines his legal capacity. Thus, an adult who is insane or asleep is not held responsible for his conduct. This principle is based on hadith: "The pen is lifted from three persons: the one who is asleep until he wakes, the child until he attains puberty, and the insane person until he regains sanity".
20. [20. JURISTIC DIVISIONS OF AHLIYYAT AL-ADA'](#) Muslim jurists divide legal capacity into three types: a. Ahliyyat al-ada' al-Qasirah [Deficient capacity for execution] b. Ahliyyat al-Ada' al-Naqisah [Imperfect capacity for execution] c. Ahliyyat al-ada' al-Kamilah [Complete capacity for execution]
21. [21. AHLIYYAT AL-ADA' AL-QASIRAH - DEFICIENT CAPACITY](#) Ahliyyat al-ada' al-Qasirah: Deficient capacity Deficient is assigned when the basis of legal capacity is not fully developed, such as child during infancy or an insane person at any age. Since neither is endowed with legal intellect, no legal consequences accrue from their words and act. They are not subject to any bodily punishment, but held liable to their property.
22. [22. AHLIYYAT AL-ADA' AL-NAQISAH - IMPERFECT CAPACITY](#) Imperfect capacity is assigned in cases where the bases of capacity, being a human and possession of discretion, are present, but all external attribute doesn't permit legal validity of certain acts. Such as a discerning child (al-sabiyy al-mumayyiz) that is from 7 to the age of puberty, an idiot (ma'tuh) whose intellect is defective and weak. They possess a legal capacity which is incomplete and partial. They are capable only of concluding acts and transactions that are totally to their benefit such as accepting gift and charity. As to transaction against their favour, such as giving a gift or making a will (wasiat) or atc, these are not valid regardless of their guardian's supervision. As for transactions which partake in both benefit and loss, such as selling and buying, they are valid with the permission of the guardian.
23. [23. AHLIYYAT AL-ADA' AL-KAMILAH COMPLETE CAPACITY FOR EXECUTION](#) Complete capacity for execution is established when a mukallaf attains full mental development, and acquires the ability to discriminate. This stage is associated with the external standard of puberty (bulugh) and the possession of rushd (maturity of actions) Every major person who has acquired this ability is presumed to possess full capacity for execution unless there is evidence opposing it.
24. [24. Tamat](#)

[Recommended](#)

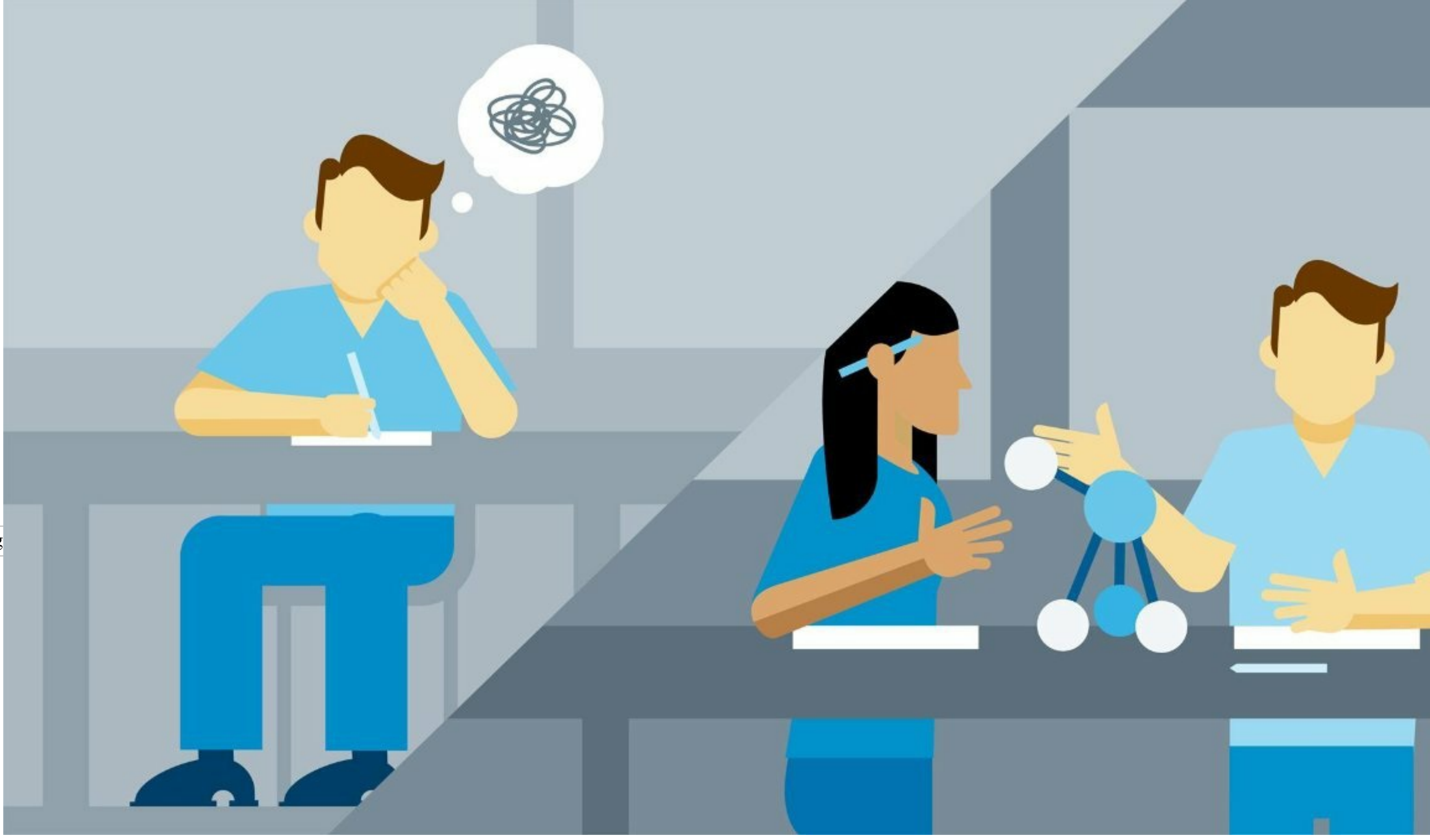
Some degree of hardship involved in performing some obligatory acts are regarded to be usual type and not of the impossi...



[Training Tips Weekly](#)
[Online Course - LinkedIn Learning](#)



[RIGHTS OF ALLAH \(CONT'D\) 4. Worship in which there is an element of financial liability such as haji, zakat al-fitr. 5. Fi...](#)
[Teaching Techniques: Classroom Control Strategy](#)
[Online Course - LinkedIn Learning](#)



[Learning How to Increase Learner Engagement](#)
[Online Course - LinkedIn Learning](#)

[MAhkum Fih dan MAhkum Alaih](#)
[Erni Setyaningsih](#)

[MAHKUM ALAYH INTRODUCTION TO](#)
[Usul Fiqh 1 Topik 5 - Al-Mahkum Alayh](#)
[Hasanah Abd. Khafidz](#)

[Mahkum fihi](#)
[Fajriyah Setiadiningsih](#)

[Takhrij Hadits Ulumul Hadits \(Lanjutan\)](#)
[Antasari State Institute for Islamic Studies Faculty of Education](#)

[makalah takhrij hadits](#)
[Feri Nugroho](#)

[Mlaysia is an islamic state](#)
[Snj SNj](#)



- [Chapter seven](#)
[MOHD GHADAFI SHARI](#)

- [English](#)
- [Español](#)
- [Português](#)

INTRODUCTION Meaning Legal Capacity / al-Ahliyyah Types of legal capacity Deficiencies of capacity / 'Awarid al-Ah...

- [About](#)
- [Dev & API](#)
- [Blog](#)
- [Terms](#)
- [Privacy](#)
- [Copyright](#)
- [Support](#)

-
-
-
-
-

LinkedIn Corporation © 2018

×

Share Clipboard

×

MAHKUM 'ALAYH OR MUKALLAF : THE SUBJECT Taklif: One's qualification to acquire rights and obligations and exercise them ...

Email

Enter email addresses

Add a message

From

Send

Email sent successfully..

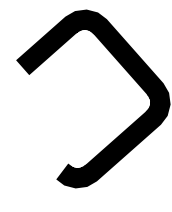
- Facebook
- Twitter
- LinkedIn

Link

Public clipboards featuring this slide

×

LEGAL CAPACITY - AHLIYYAH Literal meaning Absolute fitness or ability. Technical meaning The ability or fitness to acq...



AL-KAMILAH AL-NAQISAH AHLIYYAT AL-WUJUB Divided Into Two 1-Ahliyyah al-Wujud al-Naqisah And 2.Ahliyyat al-Wujud al-Kamilah...

No public clipboards found for this slide

×

Ahliyyat al-wujub. The capacity for acquisition (of rights) The capacity for acquisition is the ability of the individua...

Save the most important slides with Clipping

Clipping is a handy way to collect and organize the most important slides from a presentation. You can keep your great finds in clipboards organized around topics.

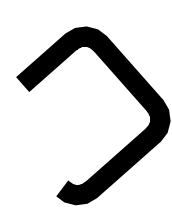
Start clipping

No thanks. Continue to download.

Select another clipboard

×

AHLIYYAT AL-ADA'- THE CAPACITY FOR EXECUTION The basis of responsibility (taklif) is only acquired upon attaining a cert...



JURISTIC DIVISIONS OF AHLIYYAT AL-ADA' Muslim jurists divide legal capacity into three types: a. Ahliyyat al-ada' al- Qa...

Looks like you've clipped this slide to already.

Search for a clipboard

Create a clipboard

You just clipped your first slide!

Clipping is a handy way to collect important slides you want to go back to later. Now customize the name of a clipboard to store your clips.

Name* Best of Slides

Description Add a brief description so H - DEFICIENT CAPACITY Ahliyyat al-ada' al- Qasirah: Deficient capacity Deficient is assigned ...

Visibility

Others can see my Clipboard

Cancel Save

Save this presentation Tap To Close

AHLIYYAT AL-ADA' AL-NAQISAH - IMPERFECT CAPACITY Imperfect capacity is assigned in cases where the bases of capacity, be...

AHLIYYAT AL-ADA' AL-KAMILAH COMPLETE CAPACITY FOR EXECUTION Complete capacity for execution is established when a mukall...

Tamat

Upcoming SlideShare

Loading in ...5

x