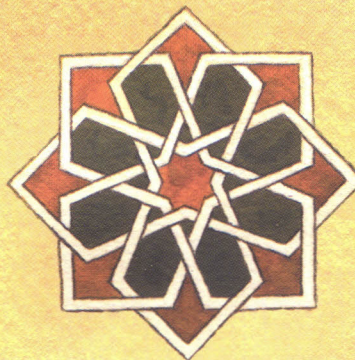


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Nazarīyāt al-Ḥukm and Maṣādir al-Sharī'ah

On 17 October 2008, the Academy of Islamic Studies held its first seminar on *Nazarīyāt al-Ḥukm* and *Maṣādir al-Sharī'ah* (NAZMAS1/2008) at the University of Malaya, Kuala Lumpur, Malaysia. We would like to thank all of the lecturers and students of the Department of Shari'ah and Law, especially Ahmad Hidayat Buang (dean of the Apium) and Siti Mashitoh bt Mahamood (head, Department of Shari'ah and Law), for their support and encouragement.

The seminar originally sought to bring together students, researchers, and scholars interested in Islamic law studies from all over the world. Due to the limited time available for academicians and scholars to prepare their papers, as well as holding it right after Ramadan, however, was the event to be scaled down to a local seminar limited to the Academy of Islamic Studies, University of Malaya. It was, nevertheless, a highly fruitful and successful event.

Given the international focus on Islamic studies and law, the seminar was structured around the fundamental principles of Islamic law and how they can be embraced by elaborating upon their vital principles to make them better understood.

After the chairmen's introductory remarks, seminar director Saim Kaya-dibi (senior lecturer, Department of Shari'ah and Law) gave an opening speech that emphasized the importance of studying the Shari'ah's fundamental principles and how the seminar could make a constructive contribution to advancing the participants' knowledge and understanding of the inner dimension of the *aḥkām* and *maṣādir al-Sharī'ah*. Mahamood then opened the seminar.

The first session, "Classification of *Ḥukm Shar'i* and Some Unanimously Accepted Fundamental Principles of Islamic Law," featured a group of students from the Academy of Islamic Studies who provided a detailed understanding of the context. Groups A and F interpreted the context of obligatory (*wājib*) activities within the different schools of thought, giving special emphasis to the Hanafi school. Group B sought to identify the recommendation (*nadb*), the communication that indecisively demands the performance of a particular act. The group stated that the legal effects are also called "recommendations." Group C presented the Sunnah, one of the unanimously accepted sources of Islamic law. Its members stressed the impor-

tance of all verbal (*qawli*), actual (*fi`li*), and tacitly approved (*taqriri*) undertakings vis-à-vis the Shari`ah.

Group D analyzed the rulings or judgments (*aḥkām*) in general. Its definition and division by juristic scholars and their functions within the Shari`ah were elaborated upon by presenting concrete examples. One part of the declaratory law (*ḥukm al-waḍ`i*), impediment (*al-māni`*), was identified by giving extra attention to the division of the declaratory law.

After a short break, the second session began with Group A's analysis of condition (*shart*). The consideration of public interest (*maṣlaḥah al-mursalah*) was delivered by group B, whose members placed special emphasis upon the Shari`ah's goals of protecting religion, life, intellect, lineage, and property. They pointed out that any measures that secures these five values are *maṣlaḥah*, and that any measures that violate them are *mafsadah* (evil). A little attention was given to the concept of *qiyās* (analogy). Despite some similarities between these two concepts, however, the former differs from the latter because the Lawgiver has neither upheld nor nullified the former in the Qur'an or in the Sunnah; the latter, however, has similarities in the sources.

The Qur'an, the first and fundamental source of Islamic law, was well presented by a group of young scholars. Following this, Group D elaborated upon and fully explained the concept of legal capacity (*ahlīyah*) within the context of *maḥkum `alayh* (the person to whom the Shari`ah command is addressed). The participants were very impressed by the capacity of obligation and the capacity of execution.

Before the closing remarks, awards were presented to the three winners of the seminar for the quality of their papers and presentations. The seminar concluded with closing remarks by Ammar Abdullah Naseh Alwan (University of Malaya), who spoke on the importance of *naẓariyāt al-ḥukm*. He also mentioned, among many other things, that all Islamic science departments and institutes should stress the teaching of these fundamental sources of Islamic law, for without knowing these elements the concept of *aḥkām* and the Shari`ah cannot be embraced and applied correctly.

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