

A Usuli Study of the Shar'i Command

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Abstract

This study, titled "A Fundamental Inquiry into the Legal Command (al-Amr al-Shar'i)," provides a foundational analysis of the legal command as a pivotal subject within the discourse of defining laws (al-Hukm al-Taklifi) in Islamic legal theory (Uşul al-Fiqh); the research problem addresses the over-expansion of Uşul into domains detached from the actual legal discourse of obligation, such as debates on the absolute meaning of a command or purely linguistic analyses of the "Do" (if'al) imperative despite its broader Sharia scope. The study aims to uncover the implications of the command regarding obligation (taklif) and requisition (ṭalab), clarifying how a subject (mukallaf) discharges their legal duty by answering questions on how Sharia formulates commands, their indicative nature, and the means of exiting the state of obligation. The significance of the topic lies in its exclusive focus on the legal command within the discourse of obligation (khaṭāb al-taklif) and its authoritative rank, utilizing an inductive, descriptive, and analytical methodology across six sections: the concept of the legal command, the imperative form, the addressees of the legal discourse, and the indications of imperative forms regarding legal rulings, the request for action, and the discharge of duty. The findings conclude that the legal discourse addresses both believers and non-believers, noting that Islam is a prerequisite for the validity of the latter's actions, while the absent-minded (al-Sāhī) is subject to a renewed discourse; the legal command does not address minors or the insane. Furthermore, the imperative forms indicate five legal rulings: obligation (wujūb), prohibition (taḥrīm), recommendation (nadb), disliking (karāhah), and permissibility (ibāḥah), with each command governed by contextual indicators (qarā'in) that determine whether it is immediate (fawriyyah) or repeated (tikrār). Consequently, the study recommends further investigation into contextual indicators across various command discourses, the analysis of declarative sentences in the Qur'an and Sunnah that function as commands, and the jurisprudence of compliance under necessity (ḍarūrah) when certain conditions or pillars are unattainable.

Keywords: Command (al-Amr), Sharia (al-Sharī'ah), Principles (al-Uşul), Jurisprudence (al-Fiqh)

Introduction

Praise be to Allah, Lord of the worlds and Guide to His straight path. Peace and blessings be upon our Prophet and Beloved, Muhammad, sent as a mercy to all beings and upon his family, his companions and all who follow them until the Day of Judgment.

Within Islamic legal theory (*uṣūl al-fiqh*), the study of linguistic implications (*dalālāt al-alfāz*) is a fundamental cornerstone of the derivation of legal rulings (*istinbāt al-aḥkām*) (al-Amidi, 2003; al-Juwayni, 1980). Islamic jurists have long recognised that the precise understanding of Qur'anic and Prophetic language is indispensable for establishing sound legal evidence and determining the scope of obligation, prohibition and permissibility (al-Razi, 1997). Among the various types of linguistic indicators, the imperative form (*ṣiġhat al-amr*) occupies a particularly central position due to its frequent occurrence in Qur'anic verses and Prophetic traditions and its direct connection with the evaluative legal rulings (*al-aḥkām al-taklīfiyyah*) (al-Baydawi, 2008; al-Zarkashi, 1992).

Classical and contemporary scholars of *uṣūl* have therefore devoted extensive attention to clarifying the nature of the imperative, its default implication, and the role of contextual indicators in determining whether it denotes obligation, recommendation, permissibility or other rulings (al-Midi, 2003; al-Razi, 1997). Their discussions produced a range of positions on whether the command, in its original state, indicates strict obligation, recommendation, or simply a request whose legal value is determined by context, and these divergences have had a tangible impact on the derivation of rulings within substantive Islamic jurisprudence (*al-fiqh al-islāmī*) (al-Baydawi, 2008; al-Zarkashi, 1992).

In some periods, debates on the legal command expanded into purely linguistic or hypothetical inquiries that were increasingly detached from the practical sphere of obligation and compliance, such as disputes over the meaning of a command completely stripped of contextual indicators (al-Razi, 1997; Ibn Taymiyyah, 1997). Accordingly, this research seeks to re-examine the legal command (*al-amr al-sharī*) by focusing on its discourses that are directly tied to *taklīf*, clarifying its conceptual foundations, its formulative structures in the revealed sources, and its legal implications for how the mukallaf discharges his or her duty (al-Midi, 2003; Ibn Taymiyyah, 1997).

The Concept of the Legal Command (*al-Amr al-Sharī*)

The Command in the Arabic Language

The term *al-amr* (command) in Arabic encompasses several distinct meanings, among which the primary meaning relevant to this study is its function as the antonym of *al-nahy* (prohibition) (Ibn Faris, 2010; Ibn Manzur, 1990). In this sense, *amr* refers to a request to perform an act, whereas *nahy* denotes a request to abstain from an act. Al-Radi defined *al-amr* as “a request for an action from a second-person subject (*al-mukhāṭab*) by omitting the imperfect prefix, regardless of whether the request is made from a position of superiority or otherwise” (al-Radi, 2008). This linguistic formulation highlights the structural form of the imperative verb in Arabic, without yet determining its legal value as obligation or otherwise.

The Command According to Jurists (al-Uṣūliyyūn)

Within legal theory, *uṣūl al-fiqh* scholars developed a more technical definition of the command. The traditional definition states that *al-amr* is “a verbal demand for an action

directed at a subordinate, intended as a binding obligation (*al-wujūb*)” (al-Juwayni, 1980; al-Amidi, 2003). By adopting this definition, the *uṣūliyyūn* followed the conventions of rhetoricians who distinguish between different directions of a verbal request. They restricted the demand for action to cases where it is directed from a higher rank to a lower one, and thus categorised verbal demands into three hierarchical ranks:

- a) *Amr* (command): A demand from a superior to a subordinate.
- b) *Du‘ā’* (supplication): A request from a subordinate to a superior.
- c) *Itimās* (petition): A request exchanged between equals (al-Zarkashi, 1992).

This classification is often illustrated in poetic form: a command is associated with superiority, its opposite is supplication, and between equals the appropriate expression is petition (al-Baydawi, 2008). From the perspective of legal theory, this technical definition foregrounds three core elements: verbal expression, direction to a subordinate, and the presumption of obligation.

Defining the Legal Command (al-Amr al-Sharī)

To avoid non-foundational debates and to focus specifically on the Sharia context, the legal command may be defined more precisely as “a verbal demand by the Lawgiver (*ṣāhib al-sharī‘ah*) for an action from legally responsible subjects (*al-mukallaḥīn*), intended as a binding obligation” (Ibn Taymiyyah, 1997; al-Midi, 2003). The components of this definition can be explained as follows:

1. “Demand for an action” This clause restricts the discussion to commands that necessitate a concrete physical or legal act. Expressions that merely convey threat, warning or information, without entailing a genuine demand for action, fall outside the scope of this definition. For example, the divine statement, “Do whatever you wish; indeed, He is Seeing of what you do” Q41:40Q41:40, is not to be taken as an actual command to act freely, but as a form of threat and warning (al-Razi, 1997).
2. “By the Lawgiver (*ṣāhib al-sharī‘ah*)” This refers specifically to Allah, exalted is He, and to His Messenger (peace and blessings be upon him), as both are authoritative sources of binding legal discourse (al-Juwayni, 1980). Thus, orders issued by human authorities or contractual parties may be termed “commands” in a broader linguistic sense. However, only the discourse of Allah and His Messenger constitutes *al-amr al-sharī* in the technical sense discussed here.
3. “Verbal” (*al-qawl*) The stipulation that the command is verbal serves to exclude mere actions of the Prophet (peace and blessings be upon him). While his actions are evidentiary and may indicate obligation, recommendation or permissibility, they are not, strictly speaking, “commands” (*amr*) unless accompanied by explicit verbal instruction (al-Bayhaqi, 1994; al-Bukhari, 1993). Accordingly, Prophetic actions fall under a related but distinct discussion concerning the evidentiary value of *fi’l al-nabī*.
4. “Binding obligation” (*al-wujūb*). This final restriction excludes non-mandatory requests, such as recommendations (*mandūb*) and permissions (*mubāḥ*), for which failure to comply does not incur blame or punishment (al-Amidi, 2003; al-Baydawi, 2008). The essence of the legal command, in this specific technical usage, is that the *mukallaḥ* is rewarded for performing it and liable to censure or punishment for abandoning it. This condition does not apply to merely recommended or permissible acts.

With this refined definition, the discussion is confined to the divine and Prophetic demands that bear the weight of obligation within the framework of *taklīf*.

The Imperative Form (Ṣīghat al-Amr)

Inductive analysis (*istiqrāʿ*) of the Qurʾan and the Sunnah reveals that the forms of command, as conceptualised in *uṣūl al-fiqh*, appear in several distinct linguistic structures (al-Amidi, 2003; al-Zarkashi, 1992). Among the most prominent are the following six:

1. The Imperative Verb (*fiʿl al-amr*). This is the explicit imperative form built on the pattern *ifʿal*, as in the divine command: “Establish the prayer from the decline of the sun until the darkness of the night and [also] the Qurʾan of dawn. Indeed, the recitation of dawn is ever witnessed.” Q17:78. Here, the imperative *aqim* (“establish”) exemplifies the basic verbal form of command.
2. The Present-Tense Verb Coupled with the Imperative Lām (*al-fiʿl al-muḍāriʿ al-maqrūn bi lām al-amr*). This occurs when a present-tense verb is preceded by the particle *lām* of command, as in the verse: “Then let them remove their untidiness, and fulfil their vows, and perform tawaf around the ancient House.” Q22:29. The forms *liyaqḍū*, *liyūfū* and *liṭṭawwafū* each combine the present tense with *lām al-amr*, yielding a functionally imperative meaning (al-Baydawi, 2008).
3. The Imperative Noun-Verb (*ism fiʿl al-amr*). This form appears in expressions such as: “O you who have believed, upon you are your own selves; those who have gone astray will not harm you when you have been guided.” Q5:105. The phrase *ʿalaykum anfusakum* is interpreted by many exegetes as carrying the force of an imperative noun-verb, meaning “adhere to yourselves” or “attend to your own state” (al-Razi, 1997).
4. The Verbal Noun Acting as a Substitute for the Imperative Verb (*al-maṣdar al-nāʾib ʿan fiʿl al-amr*). In some instances, the verbal noun stands in the place of the imperative verb, as in the verse: “And your Lord has decreed that you worship none but Him, and [that you show] excellence to parents.” Q17:23. The expression *bi-l-wālidayni iḥsānan* (“[with] excellence to parents”) functions as a substitute for the imperative “do excellence” (*aḥsinū*), thereby conveying a command through the structure of a verbal noun (al-Zarkashi, 1992).
5. The Verbal Noun as Recompense in a Conditional Clause with the Particle Fāʾ. Here the verbal noun appears as the consequence in a conditional structure, as in: “And whoever among you is ill or has an ailment of the head must offer a ransom of fasting or charity or sacrifice.” Q2:196. The term *fa-fidyatun* (“then a ransom”) operates with the functional force of “then let him offer a ransom,” thus encoding an imperative meaning within a nominal clause (al-Baydawi, 2008).
6. The Declarative Sentence Indicating a Command (*al-jumlah al-khabariyyah al-muʿabbirah ʿan al-amr*). Finally, some declarative sentences carry an obligatory force, such as the statement: “Prescribed for you is legal retribution concerning those who have been killed.” Q2:178. Although structurally declarative (*kutiba ʿalaykum*), this form is understood by jurists as indicating an obligatory ruling of *qisās*, and thus functions, in effect, as a command to establish legal retribution (al-Juwayni, 1980; al-Amidi, 2003).

These diverse linguistic structures demonstrate that the legal command in Sharia is not confined to the explicit imperative verb alone, but may be conveyed through a variety of syntactic patterns whose imperative force is discerned through context, usage and the broader principles of *dalālat al-alfāz* in *uṣūl al-fiqh* (al-Midi, 2003; al-Zarkashi, 1992).

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The Indication of Imperative Forms Regarding the Request for Action

Legal theorists (*al-uṣūliyyūn*) have sought to formulate general rules for the imperative form based on the linguistic principles of Arabic, particularly when considering the “absolute command” (*al-amr al-muṭlaq*), that is, a command not accompanied by any explicit contextual indicator (*qarīnah*) (al-Amidi, 2003; al-Zarkashi, 1992). In its absolute state, they generally hold that the command indicates a request to perform an act once, and that compliance is achieved without restriction to a specific time, unless an external indicator points to repetition (*tikrār*) or immediate execution (*fawr*), in which case the indicator is followed (al-Juwayni, 1980; Ibn Taymiyyah, 1997).

The Principle of Single Performance (al-Marrah al-Wāḥidah)

The view that an absolute command requires only a single performance is supported by the hadith of Abū Hurayrah (may Allah be pleased with him), in which the Messenger of Allah (peace and blessings be upon him) said: “O people, Allah has ordained Hajj upon you, so perform Hajj.” A man asked, “Every year, O Messenger of Allah?” The Prophet remained silent until the man repeated his question three times, then said: “If I had said ‘yes’, it would have become obligatory [every year], and you would not have been able to do it” (Muslim, 2000; Ibn Ḥanbal, 2001). This indicates that the original command “perform Hajj” did not, by itself, entail annual repetition.

On this basis, many *uṣūliyyūn* argue that the essence of a command is to request the occurrence of the act as such, and that a single instance suffices to realise that requirement, unless there is evidence indicating that the act must be repeated (al-Amidi, 2003). Thus, the default implication of an unrestricted imperative is one-time performance, while repetition is established only through specific contextual or textual proof.

The Principle of Laxity/Delay (al-Tarākhī)

Similarly, several jurists hold that the absolute command does not inherently indicate immediacy; rather, it simply requires that the act be performed, without prioritising the first moment over subsequent moments, so long as the time frame is open (al-Juwayni, 1980; al-Razi, 1997). The objective of the command is to bring the act into existence, not necessarily to tie it to the earliest possible time.

Evidence for this understanding is drawn from the Prophet’s own practice. He conquered Mecca in the 8th year after Hijra but did not perform the Farewell Hajj until the 10th year, despite the obligation of Hajj having been established earlier (Muslim, 2000). This delay, without censure, suggests that the command of Hajj did not require immediate performance in the very first year of ability, but rather allowed for a degree of temporal latitude (*tarākhī*) so long as the duty was ultimately fulfilled.

The Role of Contextual Indicators (al-Qarā'in)

In practice, every legal command in Sharia is accompanied by contextual indicators (*qarā'in*) that clarify its scope, moving it from ambiguity (*ijmāl*) to clarity (*bayān*) (al-Zarkashi, 1992; al-Midi, 2003). A command left in a state of irremovable ambiguity would amount to imposing an obligation beyond a person’s capacity, which contradicts the Qur’anic principle, “Allah does not burden a soul beyond its capacity” Q2:286 (al-Razi, 1997).

Examples Of Repetition Due To Context

One clear example of repetition established by context is the Prophet's statement: "Five prayers during the day and night" (al-Bukhari, 1993; Muslim, 2000). The phrase "during the day and night" indicates repetition by linking worship to the cycles of day and night. Without this contextual framing, the bare command to "pray" might have been fulfilled by a single instance in a lifetime, analogous to Hajj. The importance of this time linkage is highlighted in the hadith concerning the Dajjāl, when the Companions asked about the lengthened days during his appearance and whether a single day's prayer would suffice; the Prophet replied: "No, estimate its duration" (Muslim, 2000). This shows that repetition of prayer is tied to the regular succession of time, not merely to a single initial performance.

Examples Of Immediacy (Al-Fawr) Due To Context

1. The command to repent. In the verse, "And turn to Allah in repentance, all of you, O believers, that you might succeed" Q24:31, several indicators suggest that the command to repent requires immediacy (al-Razi, 1997):
 - a) It follows a context of rebuke, including prohibitions regarding entering homes without permission and commands to lower the gaze; commands that follow rebuke typically imply the need for prompt rectification.
 - b) The collective address "all of you" (*jamī'an*) serves as a form of emphatic mobilisation directed at the whole believing community.
 - c) The link to "success" (*falāḥ*), a goal every believer seeks urgently in light of life's uncertainty, further underlines the need to hasten repentance.
 - d) From a rational perspective, delaying repentance implies a continued persistence in sin despite the ability to abandon it, which is legally impermissible.
2. The command to give zakat on harvest. Likewise, in the verse, "And give its due on the day of its harvest" Q6:141, several indicators point to immediacy (al-Baydawi, 2008):
 - a) Temporal restriction: The phrase "on the day of its harvest" (*yawma ḥaṣādihī*) ties the obligation to a specific, short time frame. When a command is linked to a particular time, it must be carried out within that time without undue delay.
 - b) Terminology of "right" (*ḥaqq*): Allah designates the due portion as a "right", and this is reinforced by the Prophetic statement, "Procrastination by a wealthy person is injustice," indicating that delaying payment without excuse is a wrongful act (Abu Dawud, 2009; Ibn Ḥanbal, 2001).
 - c) Link to cause: The obligation arises from the occurrence of harvest; once the harvest period ends, the time for on-the-spot fulfilment has passed, and the unpaid amount remains a debt upon the *mukallaf* to be discharged later as *qaḍā'* (al-Amidi, 2003).

These examples demonstrate that while the absolute imperative, in theory, points to a single performance with temporal latitude, the actual legal value of a given command, whether it entails repetition or immediacy, is determined by the surrounding textual and situational indicators. This underscores the central role of *qarā'in* in the *uṣūl al-fiqh* treatment of commands and in the jurisprudence of compliance (*fiqh al-imtithāl*) (al-Midi, 2003; Ibn Taymiyyah, 1997).

Discharging the Legal Obligation (al-Khurūj min 'Uhdāt al-Taklīf)

Every legal obligation in Sharia is governed by specific conditions (*shurūṭ*), causes (*asbāb*), impediments (*mawānī'*) and nullifiers (*mubṭilāt*), which together determine whether an act

fulfils its intended legal effect (al-Amidi, 2003; al-Zarkashi, 1992). On this basis, legal theorists formulated the well-known maxim: “A command to perform something is a command to perform that without which the obligation cannot be completed,” indicating that fulfilling the commanded act entails fulfilling all that is necessary for its valid realisation (al-Juwayni, 1980; Ibn Taymiyyah, 1997).

Valid Performance (al-Ṣiḥḥah)

When a legally responsible subject (*mukallaf*) carries out the commanded act while observing its cause, fulfilling its prescribed conditions, performing its essential pillars (*arkān*), and avoiding recognised impediments, the act is deemed valid (*ṣaḥīḥ*) and sufficient (*mujzi*) (al-Amidi, 2003). In this situation, the individual is considered to have discharged his or her legal responsibility in relation to that particular obligation, and no further command for repetition (*i'ādah*) or making up the act (*qaḍā'*) is required (al-Razi, 1997).

From a procedural standpoint, valid performance also results in the establishment of the intended legal effects: for example, a valid contract of sale transfers ownership between the parties, and a valid marriage contract renders marital intimacy lawful between spouses (al-Zarkashi, 1992). Thus, *ṣiḥḥah* in acts of worship lifts liability for the obligation, while *ṣiḥḥah* in transactions realises the legal consequences attached to that act.

Invalid Performance (al-Buṭlān)

Conversely, if the act is characterised as void (*bāṭil*) due to the absence of a required condition, the omission of an essential pillar, disregard for its underlying cause, or the existence of a legal impediment, the *mukallaf* does not exit the state of liability (al-Amidi, 2003; al-Baydawi, 2008). In such cases, the act is not recognised by Sharia as fulfilling the obligation. The subject remains legally accountable and required to perform the act correctly, either by repeating it within its allotted time or by making it up as a missed obligation (*qaḍā'*) once the time has elapsed (al-Juwayni, 1980; Ibn Taymiyyah, 1997).

Accordingly, the distinction between valid and invalid performance is central to the jurisprudence of compliance (*fiqh al-imtithāl*), since it determines whether the legal burden (*taklīf*) has been lifted and whether the desired legal and practical outcomes of the commanded act have been achieved (al-Midi, 2003).

Conclusion

This study has produced several key findings regarding the legal command (al-amr al-sharī) in uṣūl al-fiqh. First, it shows that the discipline of Islamic legal theory has at times expanded into intricate linguistic and rational debates that are only loosely connected to concrete spheres of legal obligation and compliance, such as protracted disputes about a command entirely stripped of contextual indicators. While these discussions have methodological value, they risk diverting attention from the practical legal realities that commands are meant to regulate.

Second, the research adopts a precise definition of the legal command as the Lawgiver's verbal demand for an action from a legally responsible subject (*mukallaf*), with the intention of establishing binding obligation (*wujūb*). On this basis, al-amr al-sharī is distinguished from

mere recommendations, permissions or non-legislative forms of speech and is confined to the authoritative discourse of Allah and His Messenger.

Third, the study confirms that the legal command appears in six principal linguistic structures: the explicit imperative verb on the pattern *if'al*; the imperative noun-verb (*ism fi'l al-amr*); the verbal noun that substitutes for the imperative verb (*al-maṣḍar al-nā'ib 'an fi'l al-amr*); the verbal noun occurring as the consequence in conditional clauses; the present tense verb coupled with the imperative *lām*; and declarative sentences (*al-jumla al-khabariyyah*) that function, in effect, as commands. Together, these forms demonstrate that the imperative force of the Sharia is not confined to one syntactic pattern.

Fourth, the research clarifies that the legal discourse of command is directed to both believers and non-believers. However, the latter must first embrace Islam for their actions to be legally valid. The absent-minded, such as those who forget or sleep, are addressed through renewed discourse once awareness returns. In contrast, minors and the insane are not addressed by obligations at all due to the absence of legal capacity.

Fifth, it is shown that imperative forms, when viewed through their contexts, cover the full range of evaluative rulings: obligation (*wujūb*), prohibition (*taḥrīm*), recommendation (*nadb*), disliking (*karāhah*) and permissibility (*ibāḥah*). The same surface form may yield different legal values depending on the surrounding textual and situational indicators.

Sixth, the study emphasises that every legal command is accompanied by contextual markers (*qarā'in*) that clarify whether it requires immediacy (*fawriyyah*), allows laxity and delay (*tarākhī*), or entails singular or repeated performance. The notion of a permanently ambiguous command is incompatible with the principle that the Lawgiver does not impose obligations beyond human capacity.

Seventh, with respect to discharging legal obligation, the research concludes that a *mukallaf* exits the state of liability when the commanded act is performed in the prescribed manner: by realising its cause, fulfilling its conditions and pillars, and avoiding recognised impediments. In such a case, the act is characterised as valid (*ṣaḥīḥ*) and sufficient (*mujzi'*), lifting the duty and eliminating the need for repetition (*i'ādah*) or make-up (*qaḍā'*) in acts of worship, while simultaneously establishing the intended legal effects in contracts and transactions. Conversely, when an act is void (*bāṭil*) due to missing conditions, pillars or the presence of impediments, the legal responsibility remains, and the subject is required to perform the act correctly within its time or make it up thereafter.

Recommendations

In light of these findings, the study proposes several avenues for further research. First, there is a need for specialised, text-based studies on contextual indicators (*qarā'in*) associated with command discourses, focusing not only on how they determine the legal ruling itself, but also on how they specify timing (immediacy versus laxity) and frequency (single performance versus repetition). Such analysis would deepen understanding of how commands operate in real legal contexts.

Second, further work is recommended on declarative sentences in the Qur'an and Sunnah that function as imperatives. A systematic mapping of these forms and their indicative markers would clarify how obligations and prohibitions can be encoded in ostensibly informative statements, thereby enriching the theory of *dalālāt al-alfāz*.

Third, the study calls for a more detailed examination of the jurisprudence of compliance in situations of necessity (*fiqh al-imtithāl fī ḥāl al-ḍarūrah*), where some conditions or pillars of the commanded act cannot be fulfilled. This includes analysing how the law balances the preservation of the act's essence with the relaxation of its normal requirements, and how this affects the assessment of validity and the discharge of duty.

Finally, there is a need to explore more systematically the interconnection between the legal command (*al-amr al-shar'ī*) and the legal prohibition (*al-nahy al-shar'ī*). Since a command to perform an act implies a prohibition of its opposite, and some imperative forms primarily convey restraint and avoidance, a comparative study of the two discourses would offer a more integrated view of how Sharia structures obligation, prohibition and moral responsibility.

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