



الجامعة الأردنية
التاريخ: ٢٠١٦/٤/٣

الخطة الدراسية - ماجستير
الإصدار: ٠١

مركز الاعتماد وضمان الجودة
رقم النموذج: QF-AQAC-02.04

1.	School	<i>Shari'ah</i>
2.	Department	Jurisprudence and its Foundations
3.	Program title (Arabic)	ماجستير القضاء الشرعي
4.	Program title (English)	Master in Islamic Jurisdiction
5.	Track	Thesis

	Specialization #	Degree	Dep #	Faculty #	Year	Track
Plan Number	022	08	02	04		T

الخطة الدراسية المعتمدة

First: General Rules & Conditions:

1. This plan conforms to the valid regulations of the programs of graduate studies.
2. Specialties of Admission:
 - The First Priority: Bachelor's in in Islamic Jurisdiction.
 - The second Priority: Bachelor's in Jurisprudence and its Foundations or Jurisprudence and legislation, or in Comparative Jurisprudence, or in Principles of Islamic Jurisprudence (feqeh).
 - The Third Priority: Bachelor's in General Shari'ah or Islamic Studies.
 - The Fourth Priority: Bachelor's in Foundations of Religion

Second: Special Conditions: None.

Third: Study Plan: Studying (33) Credit Hours as following:

1. Obligatory Courses (18) Credit Hours:

Course No.	Course Title	Credit Hrs	Theory	Practical.	Pre/Co-requisite
0402710	Indications	3			
0432714	Research Methods in Jurisprudence and its Foundations	3			
0432740	Wills and Inheritance in Islamic Jurisprudence	3			
0442750	Marriage Contract and its implications in Jordanian Civil Law	3			
0452751	Dissolution of marriage and Its Implementation in the Jordanian Civil Law	3			
0442755	Principles of Islamic Trials	3			

2. Elective Courses: Studying (6) Credit hours from the following:

Course No.	Course Title	Credit Hrs	Theory	Practical.	Pre/Co-requisite
0432712	Objectives of Islamic Shari'ah	3			
0432733	Juristical Bases	3			
0432753	Proof Methods in Islamic Jurisprudence	3			
0402756	Cases and Judgments	3			
0432758	Charters and Documentation	3			
0402759	The Rules of Indemnity in Islamic Jurisprudence	3			

3. Thesis: (9) Credit hours (0402799).

*notes

الخطة الدراسية المعتمدة

6.	School	<i>Shari'ah</i>
7.	Department	Jurisprudence and its Foundations
8.	Program title (Arabic)	ماجستير القضاء الشرعي
9.	Program title (English)	Master in Islamic Jurisdiction
10.	Track	None-Thesis

	Specialization #	Degree	Dep #	Faculty #	Year	Track
Plan Number	022	08	02	04		N

الخطة الدراسية المعتمدة

First: General Rules & Conditions:

1. This plan conforms to the valid regulations of the programs of graduate studies.

2. Specialties of Admission:

- The First Priority: Bachelor's in Islamic Jurisdiction.
- The second Priority: Bachelor's in Jurisprudence and its Foundations or Jurisprudence and legislation, or in Comparative Jurisprudence, or in Principles of Jurisprudence (feqeh).
- The Third Priority: Bachelor's in General Shari'ah or Islamic Studies.
- The Fourth Priority: Bachelor's in Foundations of Religion

Second: Special Conditions: None.

Third: Study Plan: Studying (33) Credit Hours as following:

1. Obligatory Courses (24) Credit Hours:

Course No.	Course Title	Credit Hrs	Theory	Practical.	Pre /Corequisite
0402710	Indications	3			
0432714	Research Methods in Jurisprudence and its Foundations	3			
0432740	Wills and Inheritance in Islamic Jurisprudence	3			
0442750	Marriage Contract and its Implications in Jordanian Civil Law	3			
0452751	Dissolution of Marriage and Its Implementation in the Jordanian Civil Law	3			
0432753	Proof Methods in Islamic Jurisprudence	3			
0442755	Principles of Islamic Trials	3			
0402756	Cases and Judgments	3			

2. Elective Courses: Studying (9) Credit hours from the following:

Course No.	Course Title	Credit Hrs	Theory	Practical.	Pre/Co-requisite
0432711	Analogy (<i>Al-Qiyas</i>)	3			
0432712	Objectives of Islamic Shari'ah	3			
0442715	The Impact of the Legal Maxims on Jurists' Dispute	3			
0432733	Juristical Bases	3			
0432758	Charters and Documentation	3			
0402759	The Rules of Indemnity in Islamic Jurisprudence	3			

3. Comprehensive Exam (0402798).

*notes

الخطة الدراسية المعتمدة

الخطة الدراسية المعتمدة

Course Description
Master Degree In Islamic Jurisdiction
(Thesis and non-Thesis Tracks)

0402710

Indications

(3 Cr. H.)

The following issues or some of them are taught deeply in this course. 1. *Al-Alfaz Wadihat al-Dalalah* i.e. 'the obvious expressions in terms of indication' which are *al-Zahir*, *al-Nass*, *al-Mufassar* and *al-Muhkam*. 2. *Al-Alfaz Khafiyat al-Dalalah* i.e. 'the unobvious expressions in terms of indication' which are *al-Khafi*, *al-Mushkil*, *al-Mujmal* and *al-Mutashabih*. 3. The indications of the texts which are *Dalalat al-Ibarah* i.e. the indication of the statement, *Dalalat al-Isharah*, the indirect indication of the statement, *Dalalat al-Nass*, the indication which can be understood from the sense of the statement (and not from its words), *Dalalat al-Iqtida*, the indication of the context of the statement. 4. *Dalalah al-Mafhum* i.e. the indication understood from the text which is divided into two types. *Mafhum al-Muwafaqah* i.e. the interpretation which is accorded with the obvious meaning of the text, and *Mafhum al-Muwafaqah* i.e. the opposite of the meaning understood from the text. 5. Other issues relating to the different kinds of expressions, such as *al-'Am*, the general and *al-Khass*, the specific, *al-Mutlaq*, the absolute, *al-Muqayyad*, the confined, and *al-Mushtarak*, the homonym.

0432711

Analogy

(3 Cr. H.)

This course treats *al-Qiyas*, the Analogy, in an inclusive study in the Science of the Principles of Islamic Jurisprudence, including all the relating details to this subject. Thus, it tackles the concept and scope of both of reasoning and analogy. In addition to this, it sheds light on the following issues. The legitimacy and 'fundamental constituents' of analogy. The conditions of the ruling that is derived from the text, and the conditions of ruling of the new case which is likened to the former ruling. *Al-'Illah*, cause, and its divisions according to the objectives, interests, or consideration. The divisions and conditions of the cause according to the Hanafi school in particular. *Masalik al-'Illah*, the ways by which the cause is derived. *Al-Sabab*, the reason and *al-Shart*, condition. *Tanqih al-Manat*, clearing the cause from any external feature. The analogy in *al-Hudud* and worships. The legitimacy of using the analogy as a source for reasoning.

0432712

Objectives of Islamic Shari'ah

(3 Cr. H.)

This course is devoted to study the objectives of Islamic legislation, as knowing these objectives is an important requirement for understanding the religious texts and deriving rulings from them. However, the main objective of Islamic legislation is to satisfy the interests of the people and to protect them from the evils. Besides, there are other objectives of Islamic legislation, such as meeting mercy and justice, the restricted interest, and justifying the legal rulings by interest. Moreover, it covers the interests of the servants which are divided into three categories. 1. *Al-*

Dharuriyyat, the necessities or the necessary interests. 2. *Al-Hajiyyat*, the utilitarian interests. 3. *Al-Tahsiniyyat*, the embellished or secondary interests. Thus, it studies the concept of these three types of interests, some of their examples, and the rulings legislated for meeting them. Besides, it concentrates on assessing the five issues the protection of which is considered as being the foundation of the interests of the people i.e. religion, human soul (life), mind, progeny and property. It sheds light also on several relevant subjects, such as the order of the legal rulings according to their objectives, commanding in Islamic *Shari'ah* comes only with the possible rulings, and the prohibition level differentiates according to the variety of the level of the harm which the unlawful deed causes.

0432714

Research Methods in Jurisprudence and its Principles (3 Cr. H.)

This course provides a study to the concept of methodology, the general methods of academic research. Besides, it tackles the research in the field of Islamic Jurisprudence and its principles in terms of its methodology, standards, steps, scope, and problems. Further, this course examines some applications of the research in the stated field. Moreover, it provides refutations for the criticisms concerning the research in field of Islamic studies. Finally, it studies the specialised sources that relate to the academic research in the field in question.

0432715

The Impact of the Legal Maxims on Disagreement of Jurists

(3 Cr. H.)

This course gives a general view on the impact of legal maxims on the disagreement of the jurists. In addition, it makes a deep study to one or more of the following subjects. The most important reasons for the disagreement between the jurists in the legal issues. The legal maxims that concern the ways by which the expressions indicate to the legal rulings, and the impact of this kind of maxims on the disagreement of the jurists. The maxims that relate to the original sources of Islamic jurisprudence. The legitimacy of *al-Qira'ah al-Shadhdhah*. The legitimacy of *Khabar al-Wahid* in general, its legitimacy as a reference to the issues that belong to *'Umum al-Balwa*, i.e. the matters that cause a sort of general hardship to the people, and its legitimacy in the cases where it disagrees with a basic principle in Islamic jurisprudence. The legitimacy of *al-Hadith al-Mursal*. The legitimacy of the silent consensus. The legitimacy of the consensus of the residents of *al-Madinah*.

0432733

Juristical Bases

(3 Cr. H.)

This course studies the concept of legal maxims in Islamic Jurisprudence, the differences between this concept and the concept of *al-Nazariyyat Fiqh* i.e. the legal theory, and *al-Dabit al-Fiqhi* i.e. a type of legal maxims that are limited to a specific subject of Islamic Jurisprudence. In addition to this, it clarifies the evidence of the legitimacy of the legal maxims and their importance. Moreover, it provides an explanation to a group of these maxims, such as "*al-Yaqin la Yazul bi al-Shakk*" which means, "The certainty is not disregarded for a doubt". "*Idha Ijtama' al-Mubashir wa al-Mutasabbib Yudaf al-Hukm 'ila al-Mubashir*" which means that "If the committer of a loss, damage or crime joins the causer of it in committing it, the

liability is referred to the former party”. “*Idha Ta'arad Mafsadatan Ru'i A'zamuha Darar bi Irtikab Akhaffihima*” i.e. “If two evils happen with each other, and it is impossible to avoid both of them, the major one of them must be avoided by enduring the minor one of them”. Finally, this course sheds light on a group of *al-Furuq al-Fiqhiyyah* i.e. the differences between the legal rulings, from the book of al-Qurafi which is entitled *al-Furuq*.

- 0432740 Wills and Inheritance in Islamic Jurisprudence (3 Cr. H.)**
It is an in depth study of the issues of: inheritance conditions, preventive means, inheritors and other issues.
- 0442750 Marriage Contract and its implications in Jordanian Civil Law (3 Cr. H.)**
This module includes an introduction to the Civil Law, its fundamental basis and its history. Also it deals with engagement, marriage, guardianship, legal capacity, registration of marriage, unlawful women to marry, kinds of marriage, and marriage rulings such as dowry, accommodation expending ...
- 0452751 Dissolution of marriage and Its Implementation in the Jordanian Civil Law (3 Cr. H.)**
This module deals with divorce and its rulings; capacity of the husband to divorce, agent of divorce, women who are subject to divorce, repeating divorce, divorce of the drunk, the forced, and the batty. Variants of divorce; the simple revocable, the double revocable and the triple Irrevocable *Sunnah* divorce, the conditional and the unconditional divorce, figurative pronouncements and actual divorce, divorce oath formula and registering divorce.
It also deals with divesture or self-redemption, separating between the couple by the judge authority as for defect, insanity, absence, harm, deficiency, prison sentence, lost, and dispute. Probationary, decency, nursery and relatives exponders.
- 0442753 Proof Methods in Islamic Jurisprudence (3 Cr. H.)**
This course studies in a comparative, analytical, and deep way some issues relating to the proof methods from an Islamic legal perspective. For example, it examines witnessing; the witnessing of men, the witnessing of both of men and women, and the witnessing of women only. Besides, it covers several subjects belonging to this theme, such as confession, *al-Qara'in* i.e. the presumptions, the oath, the knowledge of the judge, the written documents and so on.
- 0442755 Principles of Islamic Trails (3 Cr. H.)**
This course sheds light on the definition of the principles of the trails, the judicial orderliness, its types, its levels, the foundational principles of the judicial system, trails guarantees, theory of lawsuit. It provides also a comparison between the lawsuit in Islam with the lawsuit in the statutes penalty systems. Further, it covers the principles of the trails, the procedures of the theory of nullity, and the abusive acting in judging.

0402756

Cases and Judgments

(3 Cr. H.)

This course studies the following issues in depth and explain the process of issuing the judgments for them. The lawsuit of the living expenses which is due to the wife, the lawsuit of custody, the lawsuit of the expenses of the relatives, the lawsuit of the marriage obedience. Besides. It studies the lawsuit which concerns dissolving the marriage contact for a conflict, an absence or harm, and an imprisonment. The lawsuit of dowry which is paid in advance and the lawsuit of the postponed dowry which is paid in the future. The lawsuit of the entitlement to inherit. Moreover, this course provides a practical judicial study by assessing and attending 15 different cases in the Islamic *Shar' i* courts.

0432758

Charters and Documentation

(3 Cr. H.)

This course highlights comprehensively the following subjects. 1. The Islamic legal documentation, its meaning, the expressions and terms that is used to stand for it, its types, and its importance. 2. The documenter; his job, significance, conditions, and etiquettes. 3. The document; the legitimacy of writing it, its conditions, and its etiquettes. 4. The documentation of the marriage contract; its history, the status of the Jordanian Law from it. 5. The job of *al-Ma'thun al-Shar' i* i.e. the authorised person to conclude and document the marriage contracts. 6. The documentation of the certificates of divorce, inheritance, wills, endowment, power of attorney and the other documents which are issued by the Islamic *Shar' i* courts. 7. The documentation of some of the contracts of the Islamic banks, such as *al-Murabahah*.

0402759

The Rules of Indemnity in Islamic Jurisprudence (3 Cr. H.)

This course provides a broad study to the rulings which relate to indemnities from an Islamic legal perspective. It assesses the definition of the indemnity, its legitimacy, the divisions of murdering. The amount of the indemnities of the woman, the *Dhimmi*, the Magus, and embryo. Besides, it studies the following subjects. *Al-'Aqilah* i.e. the male relatives of the murderer, its definition, the proofs for its legitimacy. The party on whom paying the indemnity fails due. The members of *al-'Aqilah* who are not responsible of paying it. The amount which is due on each liable member of *al-'Aqilah*. The amounts of indemnities that relate to the crimes committed on the body members. The conditions and the reasons of the latter type of indemnities.

الخطة الدراسية المعتمدة

**Advisory Study Plan
Master Degree In Islamic Jurisdiction
Thesis**

First Year			
First Semester		second Semester	
Course Number	Course	Course Number	Course
0442755	Principles of Islamic Trials	0432740	Wills and Inheritance in Islamic Jurisprudence
---	Elective Course	0442750	Marriage Contract and its implications in Jordanian Civil Law
		0402710	Indications

Second Year			
First Semester		second Semester	
Course Number	Course	Course Number	Course
0452751	Dissolution of marriage and Its Implementation in the Jordanian Civil Law		
0432714	Research Methods in Jurisprudence and its Foundations		
---	Elective Course		

الخطة الدراسية المعتمدة

Advisory Study Plan
Master Degree In Islamic Jurisdiction

None Thesis

First Year			
First Semester		second Semester	
Course Number	Course	Course Number	Course
0442755	Principles of Islamic Trials	0432740	Wills and Inheritance in Islamic Jurisprudence
---	Elective Course	0442750	Marriage Contract and its implications in Jordanian Civil Law
		0402710	Indications

Second Year			
First Semester		second Semester	
Course Number	Course	Course Number	Course
0452751	Dissolution of marriage and Its Implementation in the Jordanian Civil Law	0432753	Proof Methods in Islamic Jurisprudence
0432714	Research Methods in Jurisprudence and its Foundations	0402756	Cases and Judgments
---	Elective Course		

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