

الخطة الدراسية المقترحة
 2014/15

STUDY PLAN
Faculty Shari'ah

Ph.D in (Islamic Jurisdiction and Legislative Policy)

Plan Number	2014
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First: General Rules and Conditions:

1. This plan conforms to the valid regulations of the programs of graduate studies.
2. Specialties of admission:
 - The First Priority: MA in Islamic Jurisdiction.
 - The Second Priority: MA in Jurisprudence and its Foundations.
 - The Third Priority: MA in Legislative Policy or MA Law.
 - The Fourth Priority: Provided that the Bachelor degree is in jurisprudence and its foundations or in general Shari'ah.
3. Admission Policies: The First Policy.

Second: Special Conditions:

- The student should have gained a B.A degree as required for applying for Master program.

Third: The Study Plan: Studying (54) Credit Hours as Follows:

1. Obligatory Courses: (21 Credit Hours.)

Course No.	Course Title	Credit hrs.	Theory	Prac	Prerequisite
0402954	Theory of the Lawsuit	3	3	-	-
0402963	A Specialized Study in Dismissal of Lawsuit	3	3	-	-
0402974	Administrative System in Islam	3	3	-	-
0402976	Islamic Shariah and the General International Law	3	3	-	-
0402977	Research Methodologies in Islamic Jurisdiction and Legislative Policy	3	3	-	-
0432950	Legislative Policy and its applications	3	3	-	-
0432960	The Juridical Verdicts and the Appeal Thereof	3	3	-	-

2. Elective Courses: Studying (15 Cr. H.) From the Following:

Course No.	Course Title	Credit hrs.	Theory	Prac.	Prerequisite
0402941	Endowment Rules	3	3	-	-
0402980	Financial Policy in Islam and its applications	3	3	-	-
0402964	Verdicts Execution between Jurisprudence and Law	3	3	-	-
0402967	Human Rights in Islam	3	3	-	-
0402968	Arbitration in Islamic Law	3	3	-	-
0402970	The General Theory in Penalties in Islamic Jurisprudence	3	3	-	-
0402975	Political System in Islam	3	3	-	-
0402978	The Civil State in Islam	3	3	-	-
0402979	Legal Policy Towards the others and its applications	3	3	-	-
0442930	Corporation in Islamic Jurisprudence	3	3	-	-
0442940	Principle Methodologies in Making Decision by Personal Reasoning	3	3	-	-

3. Pass the qualifying exam: (0402998).

4. Thesis: (18) Credit Hours# (0402999).

(Handwritten signatures and stamps)

Course Description

Faculty Shari'ah

PHD In (Islamic Jurisdiction and Legislative Policy)

0402941 Endowment Rules (3 credit hours)

This course provides the definition of endowment, its legal position, benefits, types and conditions. Also it deals with the rules related to the endowment administrator, and his qualities, other related rules; endowment exchange, selling and investment. And finally it studies the impact of endowment system on Muslim social and economic life.

0402954 Theory of the Lawsuit (3 credit hours)

This course provides the study of the definition of lawsuit, its legitimacy, importance, elements, and conditions. This is in addition to an applying study to the lawsuit formulas and to the ways of performing its procedures.

0402963 A Specialized Study in Dismissal of Lawsuit (3 credit hours)

This course provides An introduction that concerns plea; its types, conditions, and consequences. The subjective pleas in the personal statuses, the lecturer selects some issues relating to this field in order to deduce the pleas relating to them, such as the pleas in the issues of custody and living expenses. The subjective pleas in the field of transactions; some cases are selected to deduce their subjective pleas, such as the sale and hiring contracts. The subjective pleas in the crimes area; some cases are chosen in order to infer their pleas, such as murdering and all of its kinds.

0402964 Verdicts Execution between Jurisprudence and Law (3 credit hours)

This course provides 1. The general theory of verdicts execution in jurisprudence and law, the definition of execution and its importance in the judicial work. 2. The execution in the issues that relate to the financial transactions, the personal statuses, felonies, al-hudud crimes, al-taazir crimes, restraining the properties in jurisprudence and law.

0402967 Human Rights in Islam (3 credit hours)

This course provides a definition to the human rights, its establishment, progress, sources, holders, the personal natural rights, such as the right of belief and adopting a specific religion, the right of living, the right of thinking, the freedom of expression, the right of possessing and so on. The political rights to the man, such as al-Shura i.e. the consultancy, electing, and so on. The legal means for protecting man. The human rights between the Islamic Shari'ah and the international customs and conventions.

0402968 Arbitration In Islamic Law

(3 credit hours)

This course provides the definition of Arbitration, the difference between it and adjudication and reconciliation, its legitimacy, its legal position and its principles which include: arbitration contract formula, parties, their capacity, contract conditions, the implications of the decline of some conditions, subjects of the arbitration; arbitration in financial deals, arbitration in civil issues, arbitration in criminal and penal cases, the arbitrator, his capacity and qualities, his authority and limitations and the expiry of his governance, the proof value of the verdict towards the dispute parties and in the eyes of the judge and the authority of the arbitrator in implementing the verdict.

0402970 The General Theory in Penalties in Islamic Jurisprudenc

(3 credit hours)

This course provides explore the concept of crime and its types, the religious and material elements of an offense, reasons for imposing or cancellation a penalty, the definition of penalties and their types, capital penalty, sanctions, punishments, etc. furthermore, attention will be paid to issues such as circumstances which ease or stress punishments and the way of execution of penalties.

0402974 Administrative System in Islam

(3 credit hours)

This course provides the following themes ; the distinction between administrative jurisprudence and practical traditional administration, the impact of Islamic values in the development of administrative jurisprudence, attributes of leadership in islam, the principal of the unity of legislation, systemization of the administrative authority, institution and its levels, elements of administrative authority, supervision on the administration, duties of administrative authority, human resources, crisis administration, conflict administration, affiliation and examples of administrative decisions and their domains; worship affairs, endowment, etc.

0402975 Political System in Islam

(3 credit hours)

This course provides the definition of the political jurisprudence, the difference between political thought and traditional practical politics, the relationship between religion and politics, legislation, institution, authority, duties of the state, consultation, censorship, rights of the opposition, human rights and citizenship.

0402976 Islamic Shariah and the General International Law

(3 credit hours)

This course provides, a comparison between islamic shari'ah and the general international law is used to explore the following subjects; fundamentals of international islamic law, unity of humanity, generality of the message, knowing each other and cooperation, construction of the earth, definition of the state and its features and pillars (sovereignty, region and people), rights of the state and its duties, international conflicts and resolution, principals of war and treaties and

their types, international arbitration and international courts, united nations convention and humanitarian law and neutral relations.

0402977 Research Methodologies in Islamic Jurisdiction and Legislative Policy

(3 credit hours)

This course provides introduction to the students to research methodologies necessary to undertake advanced researches in the field of Islamic jurisdiction and legislative policy. Also it aims to qualify the students to successfully deal with problems and difficulties in the field. Further, the course equips researchers with fundamental approaches which are significant premises for modern judicial investigation. The course sheds light on jurisprudence legal comparative approach, field study methodology and analytical methods of judicial verdicts. The students will be trained to apply the rules of legislative policy on current affairs.

0402978 The Civil State in Islam

(3 credit hours)

This course provides scientific study of the methodology of the concept of the civil state in Islam, including the rules and principles that govern the state in modern times, in order to understand the establishing of an Islamic justice, and the introduction of the requirements of time and determine the meaning of the civil state in contemporary system.

0402979 Legal Policy Towards the Others and its applications

(3 credit hours)

This course provides rules and principles that govern the legal relationship in its two sides: governing regime and (constitutional law), and international relations with non-Muslims in the framework of the state first, and then in the context of international relations with the rules of justice humanitarians governing this relationship, with comparison with international conventions and contemporary laws.

0402980 Financial Policy in Islam and its applications

(3 credit hours)

This course provides a general idea about the following subjects. The meaning of al-Mal, i.e. property, in the Islamic conception, and the legitimate and illegitimate ways for gaining property in Islamic Jurisprudence. This is in addition to, Bayt al-Mal i.e. the state treasury of the Islamic state. In addition, it assesses in depth two or more of the following issues. Al-'Infaq i.e. spending, donation, taxes and duties, al-'Ushur, a one tenth tax which is due on the yield land, al-Kharaj, a type of tax which is due on income of some kinds of land, and the rulings which concern dealing with lands and loans.

0432950 Legislative Policy and its applications

(3 credit hours)

This course provides the definition of Legislative Policy, its legitimacy, its importance, its objectives, its standards, and its relationship with the sources of Islamic legislation. In addition, it highlights the fields of legislative policy, such as creed, worshipping, al-Qada' i.e. the juridical

authority, al-Hisbah i.e. a kind of Islamic executive juridical authorities, penalty, economy, and administration. Furthermore, this course provides an applicable study to this subject in the fields of personal statuses, transactions, and political system.

0432960 The Juridical Verdicts and the Appeal Thereof (3 credit hours)

This course provides the following subjects. The judicial verdict, its definition, the difference between it and the judicial processes, issuing the judicial verdict, its types, its nullifying, appealing verdicts and the relation between that and the variety of the levels of the judicial system.

0442930 Corporation in Islamic Jurisprudence (3 credit hours)

This course provides firstly an introduction about the meaning of corporation, the proofs of its legitimacy, its 'fundamental constituents', its conditions in general, its legal nature, and its cancellation. It highlights also the most important kinds of corporations in Islamic Jurisprudence, such as *al-'Anan*, *al-'A'mal*, *al-'Abdan*, *al-Mufawadah*, *al-Mudarabah*, *al-Wujuh*, and *al-Musahimah*. The accordance of companies with the legal rulings. The contemporary applications of *al-Mudarabah* corporation in the Islamic banks.

0442940 Principle Methodologies in Making Decision by Personal Reasoning (3 credit hours)

This course provides studies the following principles of Islamic Jurisprudence. Al-Istihsan i.e. adopting a ruling which is different than the similar rulings in the subject to which the issue in question belongs and considering this choice as being better than the other possibilities. Sad al-Dhara'i', preventing the means of evil. Al-'Urf, custom. Qawl al-Sahabi, the opinion of the companion. Al-Istishab, presumption of continuity. Al-Masalih al-Mursalah, consideration of public interest. Besides, this course clarifies the impact of these principles on tackling the new cases.