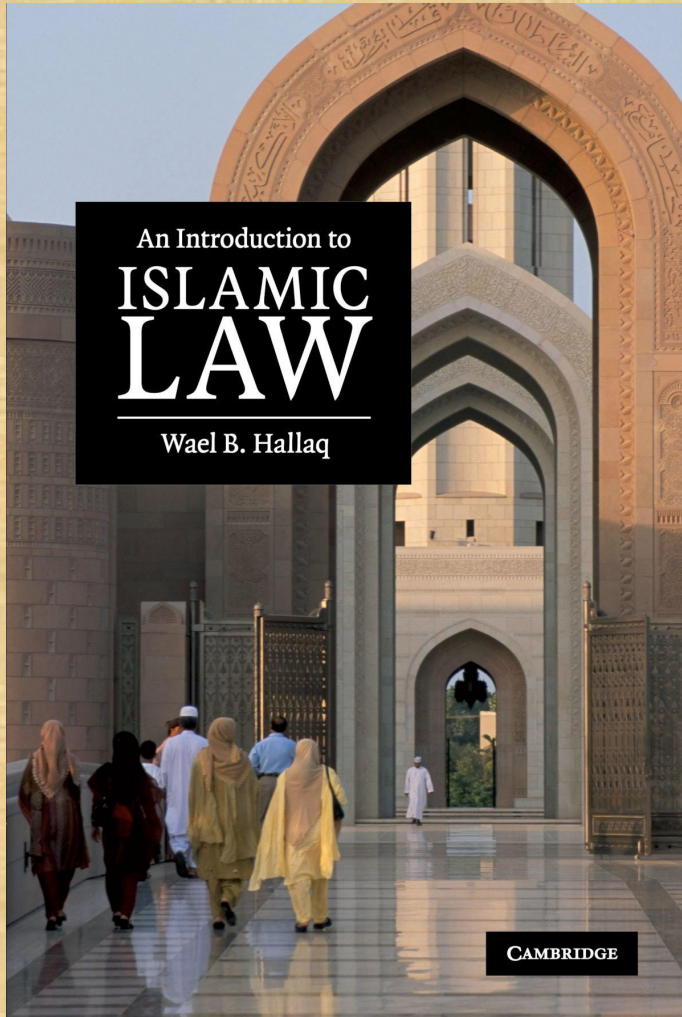


Plan Project

- **Introduction.**
- **Definition Of Islamic Legal System.**
- **Origin Of Islamic Law.**
- **General characteristic of Islamic legal system.**
- **History of its development.**
- **The structure of Islamic law.**
- **The sources of Islamic law.**
- **The Egyptian Legal System.**

Introduction



- The Islamic legal system of Sharia (Islamic law) and Fiqh (Islamic jurisprudence) is the most widely used religious law, and one of the three most common legal systems in the world alongside common law and civil law.
- Mainstream Islam distinguishes between fiqh (deep understanding, discernment), which refers to the inferences drawn by scholars, and sharia, which refers to the principles that lie behind the fiqh.

DEFINITION OF ISLAMIC LEGAL SYSTEM

THE ISLAMIC LEGAL SYSTEM (or Sharia law) : is a religious law forming part of the Islamic tradition. It is derived from the religious precepts of Islam, particularly the Quran and the hadith. In Arabic, the term shari'ah refers to God's immutable divine law and is contrasted with fiqh, which refers to its human scholarly interpretations. The manner of its application in modern times has been a subject of dispute between Muslim fundanmentalists and modernists.



ORIGIN OF ISLAMIC LAW

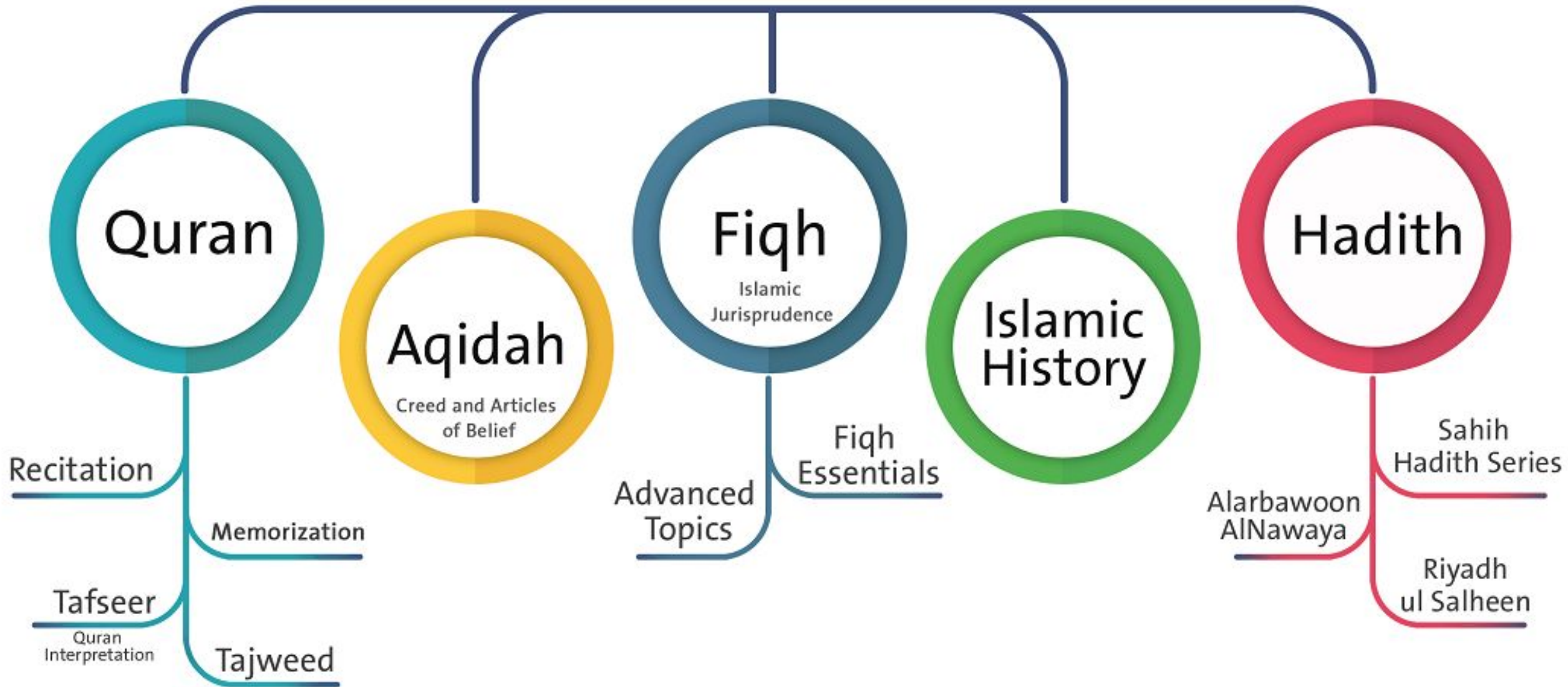
ORIGIN OF ISLAMIC LAW Traditional theory of Islamic jurisprudence recognizes four sources of Sharia:

1. the Quran.
2. sunnah (authentic hadith).
3. qiyas (analogical reasoning).
4. ijma (juridical consensus).



Different legal schools-of which the most prominent are Hanafi, Maliki, Shafi i school, Hanbali and Jafari-developed methodologies for deriving Sharia rulings from scriptural sources using a process known as ijtehad. Traditional jurisprudence (fiqh) distinguishes two principal branches of law, ibādāt (rituals) and mu'āmalāt (social relations), which together comprise a wide range of topics

Islamic Studies



General characteristic of Islamic legal system

□ After a lot of researches concerning Islamic law, the scholars of Islam had found therein a number of characteristics features including:

First : it based on divine sources because the Islamic law, its principles, its methods are derived from Glorious Quran and Sunna of the prophet Muhammad(peace be upon hi).

Allah the almighty says about Holy Quran: « falsehood cannot come to it from before it or behind it: (it is) sent down by all wise, worthy of praise (Allah) »

Allah the almighty says about sunna of prophet:« nor does he speak of his own desire, It is only a revelation »

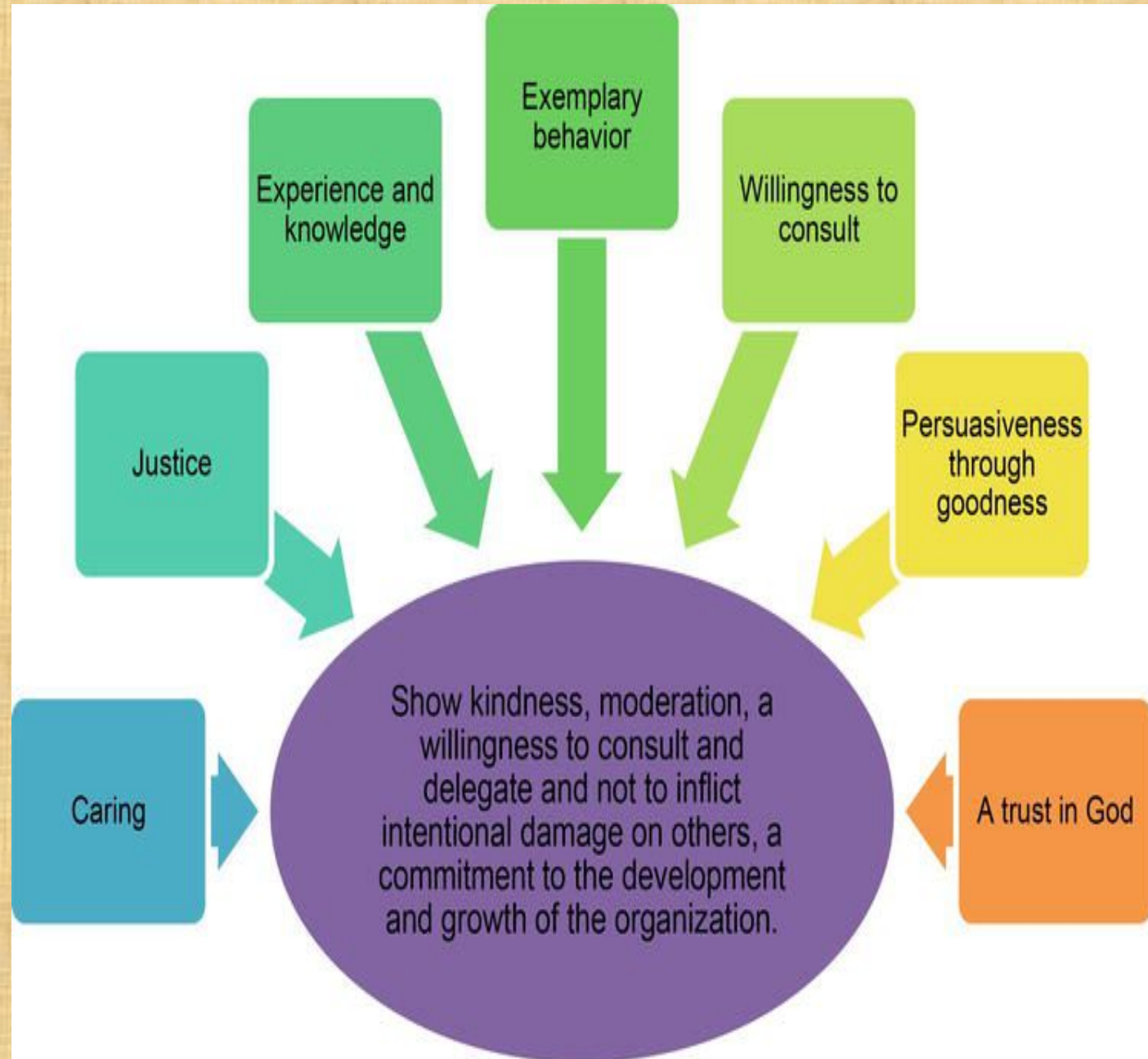
Second : it is comprehensive in terms of its ruling, methods, and ethics. therefore It covers all aspects of life. Allah says: « And there is no creature on the earth or bird that flies with its wings except (that they are) communities like you. We have not neglected in the Register a thing. Then unto their Lord they will be gathered»

Third : It is universal in a way that is not only limited to a specific human race,certain places,or color.rather.it is guidance for all humanity.Allah the almighty says: « and we have sent you (o Muhammad) except as a mercy to the worlds »

Forth : It is moderate and balanced in terms of its view of man with its two essential components, namely the spiritual and the physical aspects of his nature.Allah the Almighty says:« But seek, through that which Allah has given you, the home of hereafter; and yet do not forget your share of the world »

fifth : it is rational and realistic because it deals with tangible facts, not illusions and superstitions.

sixth : it is easy and free of hardships ;« Allah the exalted says: Allah intends for you ease and does not intend for you hardships»



History of its development

- Before Islam, the nomadic tribes inhabiting the Arabian peninsula worshiped idols. Each tribe had its own customs governing marriage, hospitality, and revenge. Muhammad introduced a new religion into this chaotic Arab world. Islam affirmed only one true God. It demanded that believers obey God's will and laws. The Koran sets down basic standards of human conduct, but does not provide a detailed law code. The quran sets down basic standars of human conduct , but does not provide a detailed law code. Only a few verses deal with legal matter. Durring his lifetime muhammed helped clarify the laws by interpreting provissions in the quran By 900 years the shariaa had taken shape. So eslamic specialist asembled handbook for juge and making a decision avout shariaa The classic shariaa was not a code of laws , but a body of religious and legal scholarship continued to develop for the next 1000 years.

- The history of Islam concerns the political, social, economic and cultural developments of Islamic civilization. Most historians admit that Islam originated in Mecca and Medina at the beginning of the 7th century CE. Muslims view Islam as a return to the original faith of prophets, such as Jesus, Solomon, David, Moses, Abraham, Noah and Adam, with submission (Islam) to the will of God.
- For almost two centuries now development has been one of the most pressing questions confronting muslim lead ship . Since the othman sultan salim 3 introduce his modernization program many model and projects aimed at bringing about letter social
- This paper examines the two contending models of development in muslim siciety :
 1. the secular and the islamic.
 2. The examination is done with the aim of discovering the historical patterns wich govern the process of social change in general.

In the modern era, traditional laws in the Muslim world have been widely replaced by statutes inspired by European models. Judicial procedures and legal education were likewise brought in line with European practice. While the constitutions of most Muslim-majority states contain references to Sharia, its classical rules were largely retained only in personal status (family) laws. Legislators who codified these laws sought to modernize them without abandoning their foundations in traditional jurisprudence. The Islamic revival of the late 20th century brought along calls by Islamism movements for full implementation of Sharia, including hudud corporal punishments, such as stoning.



The structure of Islamic law



The Qur'an is the principal source of Islamic law, the Sharia. It contains the rules by which the Muslim world is governed (or should govern itself) and forms the basis for relations between man and God, between individuals, whether Muslim or non-Muslim, as well as between man and things which are part of creation.

The sources of Islamic law

The body of islamic laws was the shariaa.

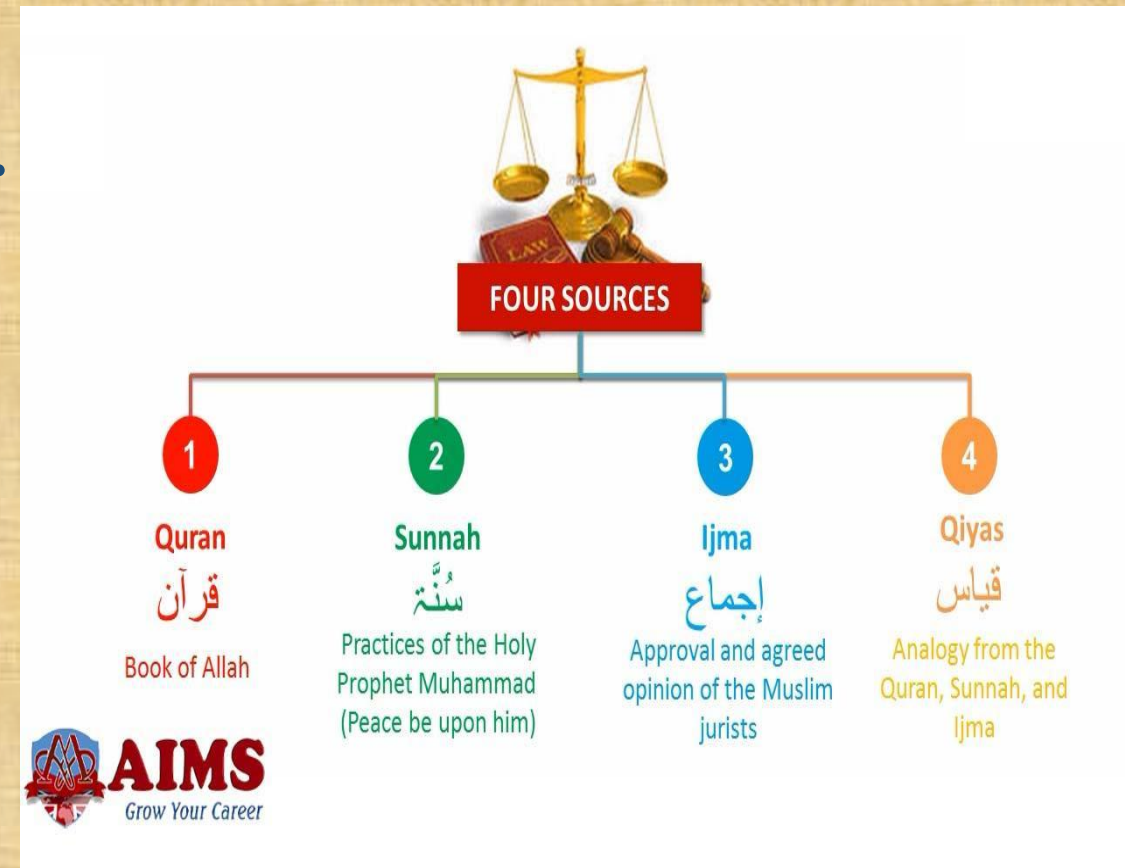
There are four sources of Islamic Law.

Primary Sources: -

- The Holy Quran .
- The Sunnahs of the Holy Prophet (PBUH) .

Secondary Sources: -

- Ijma (Consensus) .
- Qiyas (Analogy) .



The Holy Quran



- ❑ Muslims believe the Quran to be the direct words of Allah, as revealed to and transmitted by the Prophet Muhammad .
- ❑ The Quran is the Most Fundamental Source of Islamic knowledge.
- ❑ All sources of Islamic law must be in essential agreement with the Qur'an.
- ❑ When the Qur'an itself does not speak directly or in detail about a certain subject, Muslims only then turn to alternative sources of Islamic law.

The Sunnah

- Sunnah are the traditions or known practices of the Prophet Muhammad .

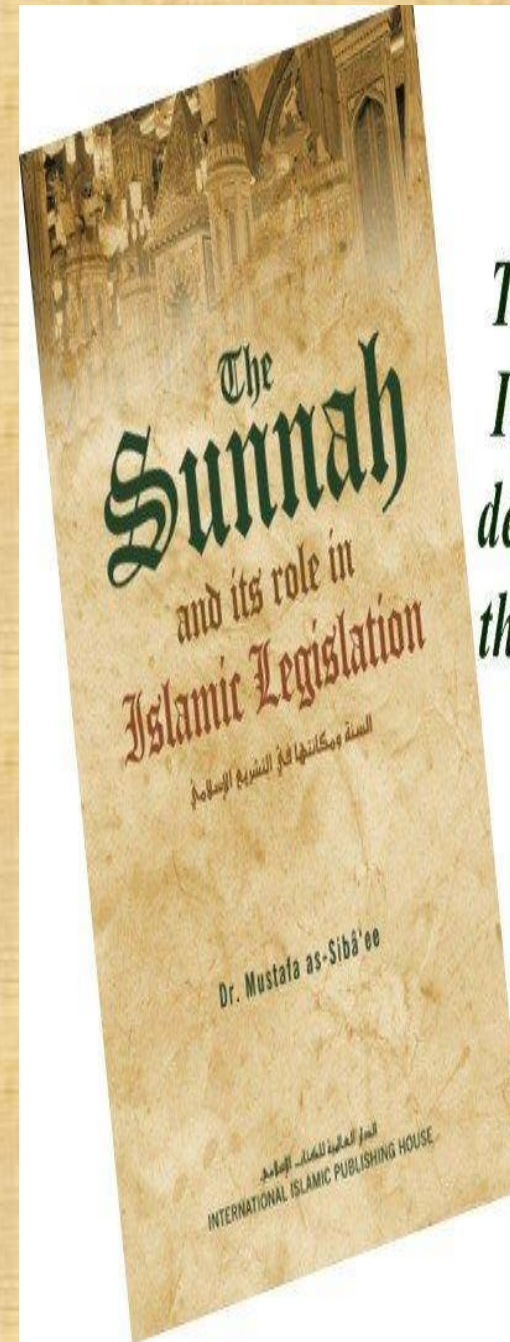
- Many Hadiths have been recorded in the volumes of Hadith literature.

- The resources include many things that he said, did, or agreed to - and he lived his life according to the Qur'an, putting the Qur'an into practice in his own life.

- During the Prophet's lifetime, his family and companions observed him and shared with others exactly what they had seen in his words and behavior

- **Examples:**
 1. How he performed ablutions
 2. How he prayed.
 3. How he performed other acts of worship.

- People also asked the Prophet directly for rulings on various matters, and he would pronounce his judgment.
- All of these details were passed on and recorded, to be referred to in future legal rulings regarding personal conduct, community, family relations, political matters and many others.
- The Sunnah can thus clarify details of what is stated generally in the Qur'an.




The meaning of 'Sunnah' as an Islamic term depends on who is defining it - that is, it depends on the branch of Islamic knowledge that one specializes in.

- Dr. Mustafa as-Siba'ee

Ijma (Consensus)

- In situations when Muslims have not been able to find a specific legal ruling in the Qur'an or Sunnah, the consensus of the community is sought (or at least the consensus of the legal scholars within the community).
- The Prophet Muhammad once said that his community (i.e. the Muslim community) would never agree on an error.



Ijma

Hanafi	Maliki	Shafi'ee	Hanbali
<ul style="list-style-type: none">• Accept the consensus of the Mujtahids on legal matters regardless of the geographical locations or time.	<ul style="list-style-type: none">• Accept the consensus of the people of Madeenah.	<ul style="list-style-type: none">• Consensus on the principles of Deen only.	<ul style="list-style-type: none">• Consensus of the companions on principles of Deen. Generally don't recognise consensus outside the of the Companions.

23

Qiyas (Analogy)

- In cases when something needs a legal ruling, but has not been clearly addressed in the other sources, judges may use analogy, reasoning, and legal precedent to decide new case law.
- This is often the case when a general principle can be applied to new situations.

The Egyptian Legal System



© CanStockPhoto.com

□ The Egyptian legal system is built on the combination of Islamic (Shariah) law and Napoleonic Code, which was first introduced during Napoleon Bonaparte's occupation of Egypt in 1798 and the subsequent education and training of Egyptian jurists in France.

The Egyptian legal system, being considered as a civil law system, is based upon a well-established system of codified laws. Egypt's supreme law is its written constitution. With respect to transactions between natural persons or legal entities, the most important legislation is the Egyptian Civil Code of 1948 (the "ECC"), which remains the main source of legal rules applicable to contracts. Much of the ECC is based upon the French Civil Code and, to a lesser extent, upon various other European codes and upon Islamic (Shariah) law, especially in the context of personal status.

THANK YOU



You're so sweet