



Islamic Legal System

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1) 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.

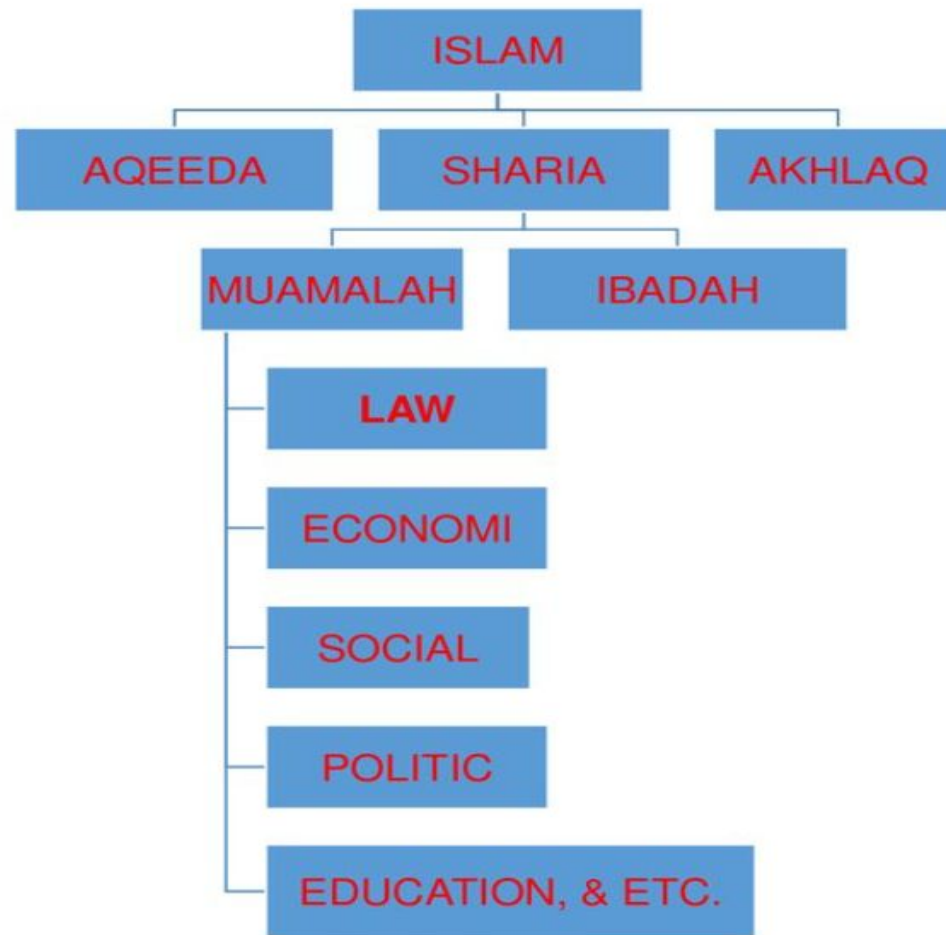
2) Characteristics of Islamic law

- ▶ 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.
- ▶ It is rational and realistic because it deals with tangible facts, not illusions and superstitions.
- ▶ It has a tight and inseparable relationship with Islamic faith and ethics.
- ▶ It contains of two main fields : worship and muamalah in large scope.

3) History of Development

- ▶ Islamic law is known to be originated from the divine and not like the man made laws that are passed by the law makers and are governed by the principles of modern systems of law.
- ▶ Sharia law is founded on the teaching of God and the acts and sayings of Mohammad as found in the Quran and Sunnah.
- ▶ Sharia was not fully developed at the time of Muhammad's death, but rather it evolved around the Muslim community.
- ▶ Before the 19th century, legal theory was considered the domain of the traditional legal schools of thought.

4) Structure of Islamic Law



5) The sources of Islamic Law

a) Primary Sources :


- ▶ The principles set forth in the Quran
- ▶ The examples set by prophet Mohammad in Sunnah

b) Secondary Sources:

- ▶ Islamic jurisprudence interprets and extends the application of sharia to questions not directly addressed in the primary sources by including secondary sources
- ▶ These secondary sources usually includes the consensus of the religious scholars embodied in ijma, and analogy from the Quran and Sunnah through Qiyas.

6) Islamic law in Lebanon

- ▶ Lebanon's legal system is based on a combination of Civil Law, Sharia and Ottoman laws. There are eighteen official religions in Lebanon, each with its own family law and religious courts. For the application of personal status laws, there are three separate sections: Sunni, Shia and non-Muslim.
- ▶ There are different sharia courts in Lebanon such as:
 - Sunni courts are for Sunni Islam,
 - Jafari courts are for Shia Islam
 - Druze courts are for Druze.

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- ▶ Sharia Courts may contain documents on marriage, divorce, inheritance, and other family matters. These documents often include names of family members and their relationships.
 - ▶ The Shari'a Courts have jurisdiction with regard to the Sunni and Ja'fari sects. The Law of the Rights of the Family of 1962 stipulates, in the same manner as the 1942 Law No. 241 which it replaced, that the Sunni Judge shall give judgment according to Hanafi doctrine, except in cases specified in the Ottoman Family Rights Act of 1917, and that the Ja'fari Judge shall give judgment according to Ja'fari doctrine and the relevant provisions of the Family Rights Act. The Druze have a Codified Personal Status Law of 1948, amended in 1959.

7) Conclusion

- ▶ As a state, Lebanon does not follow the sharia law because it's not a Muslim state, it's a republic with Christians, Muslims, Druze and other religions. Muslims will follow sharia personally or in their own areas.

