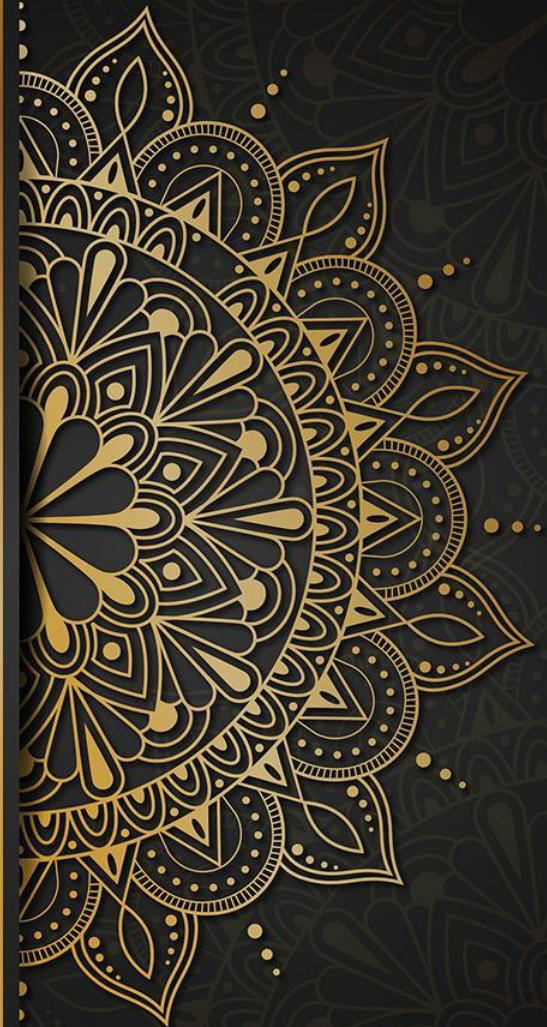


Islamic legal system Lebanon legal system

zahraa siblani 2011a





plan

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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 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.
Second, it is rational and realistic because it deals with tangible facts, not illusions and superstitions.
- Third, it is easy and free of hardships





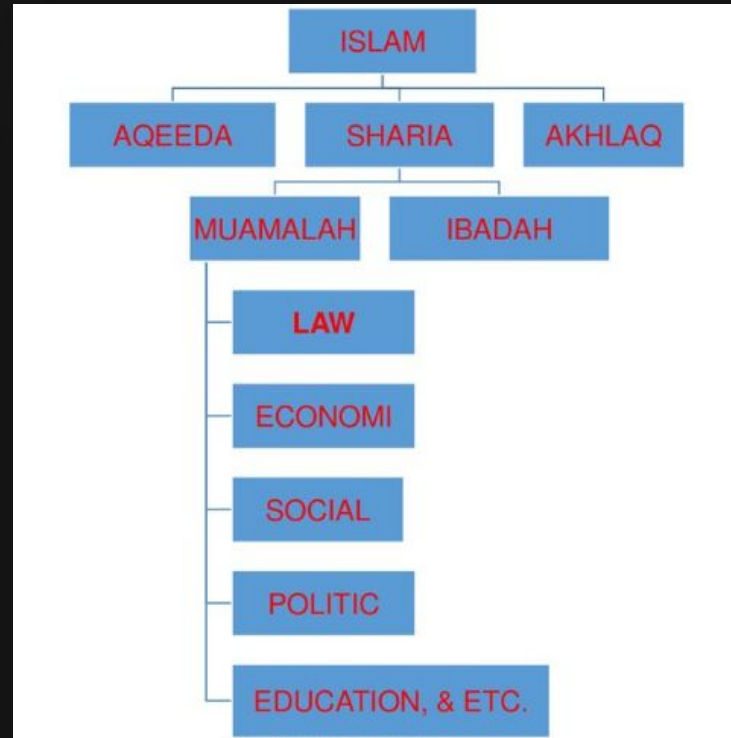
History of its development

- 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 structure of Islamic law





LAW

Marriage Law (*Munakahat*)

Inheritance Law (*Wirasah*)

Contract & Property Law (*Muamalat*)

Criminal Law (*Jinayat*)

Constitutional Law (*Al Ahkam As Sulthaniyah*)

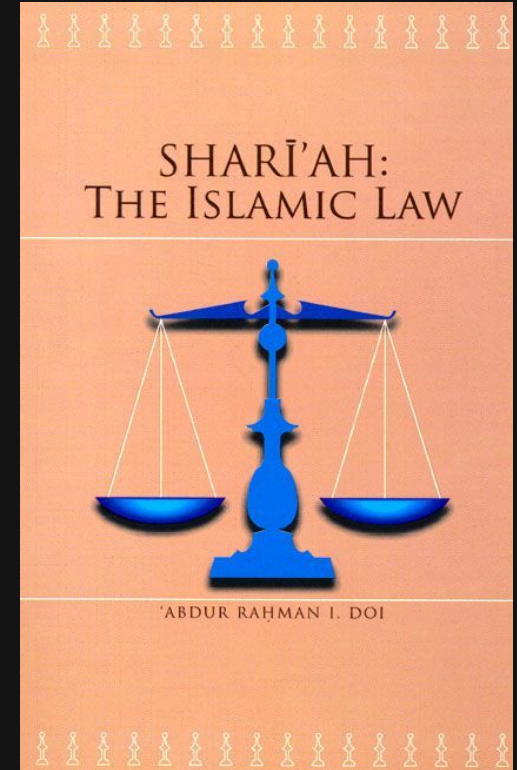
Internasional Law (*Siyar*)

Procedural Law (*Mukhasamat*)

The sources of Islamic law

- The sources of Islamic law are used by Islamic Scholars to explain and clarify the Shari'ah.

There are four Islamic sources of law which are accepted universally by all Muslims, which include Qur'an, Sunnah, Ijma' (Consensus) and Qiyas (analogy).





- The primary sources of Islamic law are the **Qur'an** and **Sunnah**. Sharia has certain laws which are regarded as divinely ordained, concrete and timeless for all relevant situations.
- It also has certain laws which derived from principles established over time by Islamic lawyers
- Traditional Sunni Muslims also add the consensus (**ijma**) of Islamic jurists on certain issues, and drawing analogy from the essence of divine principles and preceding rulings (**qiyas**).

History of legal history of Lebanon

- The Lebanese legal system is based on and inspired by the French legal system. Just like France, which occupied Lebanon until 1943, Lebanon is considered to be a civil law country and possesses its own set of codes.
- Lebanon is a parliamentary democratic republic within the overall framework of confessionalism, a form of consociationalism in which the highest offices are proportionately reserved for representatives from certain religious communities.

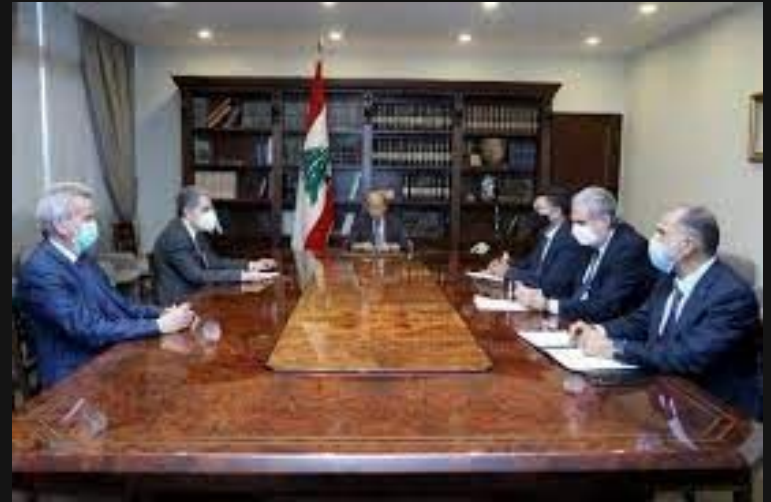




- The **Constitution of Lebanon** was adopted on 23 May 1926. Article 11, on the Official National Language, declares that "Arabic is the official national language. A law determines the cases in which the French language may be used."
- The most recent amendment of the Constitution was for the [Charter of Lebanese National Reconciliation](#) (Ta'if Accord), in October, 1989.

Sources of legal system in Lebanon(main legal sources)

- ❑ Lebanon's judicial system is based on the Napoleonic Code.
- ❑ Juries are not used in trials.
- ❑ The Lebanese court system has three levels - courts of first instance, courts of appeal, and the court of cassation.
- ❑ There also is a system of religious courts having jurisdiction over personal status matters within their own communities, with rules on matters such as marriage, divorce, and inheritance.



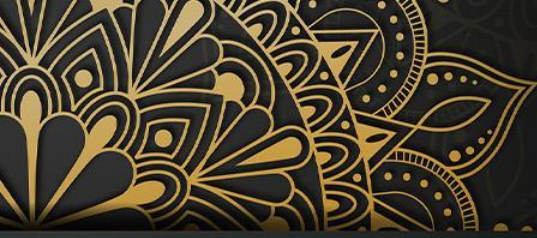


1. The constitution:

The constitution is the supreme law. In other words, it is the highest internal public source of law within a certain state. It sets out the fundamental principles of the country, the roles and powers of the institutions within this country (especially the legislative,

2. International treaties:

Treaties are written and binding agreements between two or more sovereign countries formally approved and signed by the authorities. In Lebanon, a treaty, once ratified by the legislative authority



3. The laws promulgated by the parliament:

The parliament, which is the legislature in Lebanon, is the authority responsible for making and promulgating laws. These laws have to be conformed to the Constitution and it is up to a special council called the Constitutional Council, upon special request, to ensure that this conformity is respected.

4. The decrees:

In Lebanon we distinguish between 3 types of decrees. There are the ordinary decrees, which are the legal rules put by the executive authority. In addition, we have the legislative decrees which are of a special type



conclusion

- Lebanon is a civil law country. Its judicial branch is composed of:
Ordinary Courts: One Court of Cassation composed of nine chambers.