

# Islamic legal system

# Plane

- 1. General characteristic of Islamic legal system
- 2. History of Islamic legal system
- 3. The sources of Islamic law (make scheme showing all main sources, on next slides characterize each source)
- 4. The trends in the Islamic law development
- 5. Legal system of Egypt

# *.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 Islamic legal system:*

- 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 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 trends in the Islamic law development*

- **Uthman**
- He was the third caliph who received the caliphate shortly after Omar's death in AH 23. Some of the tasks accomplished by Uthman were ,Much of the Balkans, Cyprus and much of the North Africa were added to the dominions of Islam, The task of collection, verification and systematic compilation of the Holy Quran which was commenced with Abu baker was completed. Thus written copies were compiled in to one single volume. This copy was sent to all sectors of the Islamic world,He had related 146 Hadith from the Prophet (PBUH)
- **Ali**
- He was the fourth and the last caliph. He was born in 600 AD in Mecca. He was the cousin of the Prophet (PBUH) who latter arranged a marriage between Ali and his daughter Fatima whom he cherished and adored. Ali transferred the capital city from Mecca to Kufa when he took office in AH.35. Some of his attributes were he: He was among the learnt ones among the companions , He related hundreds of Hadith , and He was a diplomat and states man of the highest echelon and showed familiarity of the highest order in the political administrate in social and legal duties a governing body owed to its people

# Legal system of Egypt

- 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 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)