

Islamic legal system

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General characteristic of islam legal system

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- It's based on divine sources . They method are derived from glorious QURAN and SUNNA of the prophet muhammad
- Allah the almighty says about holy guran « falsehoodcannot come to it from before it or behind it «
- Allah the almighty says about sunna of prophet « not does he speak of his own desire ,it's only a revelation «

- It's a universal in a way that is not only limited to a specific human race
- It's a moderate and balanced in term of its view of man with its two essential component

History of islamic legal system

- The history of Islam concerns the political, social, economic and cultural developments of Islamic civilization. Most historians [1] 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.

The quran sets down basic standards of human conduct , but does not provide a detailed law code. Only a few verses deal with legal matter.

During his lifetime muhammed helped clarify the laws by interpreting provisions in the quran

By 900 years the shariaa had taken shape . So islamic specialist assembled handbook for judge and making a decision about 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 source of islamic law

The body of islamic laws was the shariaa .

The primary source eccepted universally by all muslim are the quran and the sunna .

The quran is the holy scripture of islam . The sunna consist of the religious actions and quotations of the islamic prophet mohamed and narrated though his companions and shiaa juge the sources level of authenticity

The trends in the islamic law development

For almost two centuries now development has been one of the most pressing questions confronting muslim leadership . Since the othman sultan salim 3 introduce his modernization program many model and projects aimed at bringing about better social

This paper examines the two contending models of development in muslim society : the secular and the islamic . The examination is done with the aim of discovering the historical patterns which govern the process of social change in general

Legal system in Morocco

- Morocco has a dual legal system made up of secular courts based on French legal tradition and courts based on Jewish and Islamic traditions.
- The secular system comprises municipal and district courts, courts of first instance, courts of appeal and a Supreme Court. The Supreme Court is divided into five chambers: penal, correctional (civil), social, administrative and constitutional remedies. The Special Court of Justice can try officials on charges raised by a two-thirds majority of the entire Majlis.

- There is also a military tribunal for matters involving the military and occasionally matters relating to state security. The Supreme Judicial Council governs the judiciary and is chaired by the king. Judges are appointed on the advice of the council. The judges of the secular system are lawyers trained at the university. Since 1965, only Moroccans can be appointed judges and Arabic is the official language of the courts.

- There are 27 Sadad Courts, which are first instance courts for Muslim and Jewish personal law. Criminal and civil cases are heard, and cases with penalties over a certain amount can be appealed to regional courts. Sadad courts are divided into Sharia; Rabbinical; Civil, commercial and administrative sections; and a criminal section.