

The Islamic legal system

Name : Rabie Fatma Hussein.

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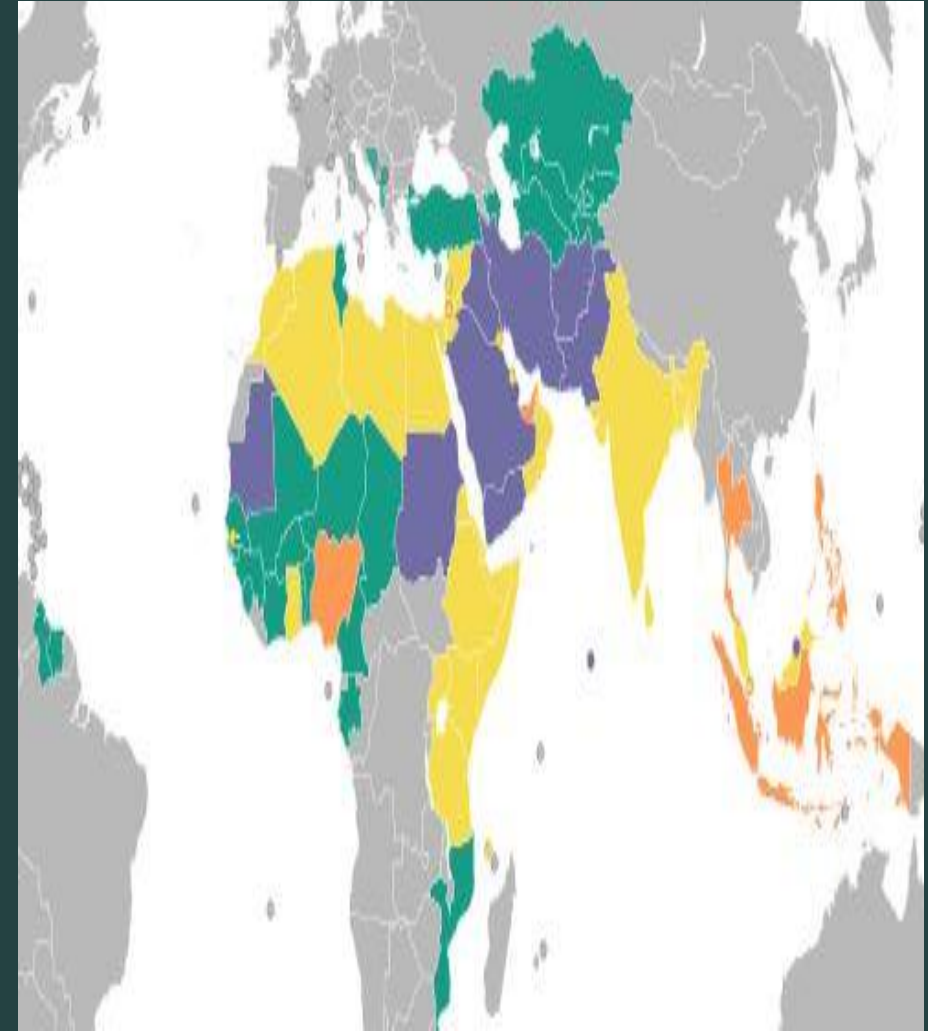
Project Plan

- 1. Introduction.**
- 2. Definition Of Sharia.**
- 3. General characteristic of Islamic legal system.**
- 4. History of its development.**
- 5. The structure of Islamic law.**
- 6. The Sources of Islamic law.**
- 7. The Egyptian Legal System.**

1. Introduction

‘Islamic law’ refers to the diverse legal systems that have been and continue to be produced with the objective of being in accord with the Islamic faith. Islamic legal systems operate in multiple and sometimes discontinuous ways. Usage of the singular term ‘Islamic law’ should not be understood as suggesting the absence of legal polycentricity or legal pluralism .

There are significant historical and substantive distinctions between ‘Islamic law’ and ‘Muslim legalities’. ‘Islamic law’ refers to juristic interpretations of divine law ‘Muslim legalities’ refers to either state law or the legal practices of non-state Muslim communities.



2. Definition Of Sharia

The term sharia refers to a body of Islamic religious law that governs Muslims' daily lives as well as religious rites. Sharia law also provides religious adherents with a set of principles and guidelines to assist them in making key life decisions, such as financial and investing decisions. Islamic banking and finance define where and how much can be invested, as well as interest rules. Sharia is interpreted and implemented in a variety of ways, particularly in the financial industry.



3. 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:

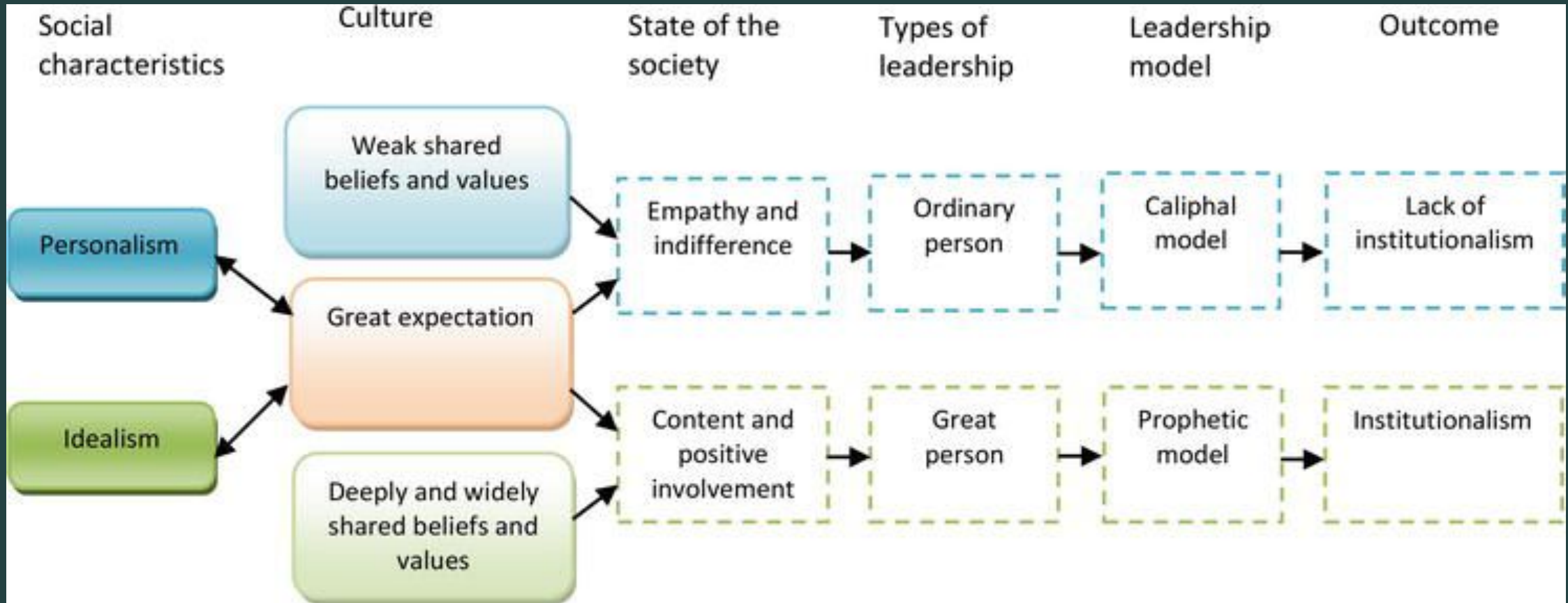
First : It's based on divine sources . They method are derived from glorious QURAN and SUNNA of the prophet muhammad.

Second : 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.

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

Fourth : it is easy and free of hardships .It's a universal in a way that is not only limited to a specific human race.

Fifth : It's a moderate and balanced in term of its view of man with its two essential component.



4. 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 Quran sets down basic standards 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 islamic specialist assembled handbook for making a decision about sharia The classic sharia was not a code of laws but a body of religious and legal scholarship .**

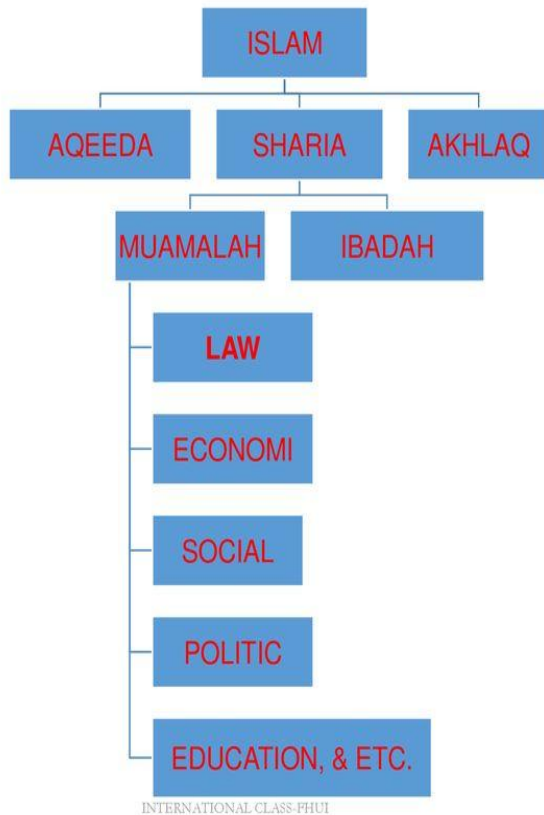


The major precepts of Sharia were passed down directly from the Islamic prophet Muhammad without "historical development," and the emergence of Islamic (fiqh) goes back to the lifetime of Muhammad. In this view, his companions and followers took what he did and approved of as a model (sunnah) and transmitted this information to the succeeding generations in the form of hadith. These reports led first to informal discussion and then systematic legal thought, articulated with greatest success in the eighth and ninth centuries by the master jurists Abu Hanifah, Malik ibn Anas, Al-Shafi'i, and Ahmad ibn Hanbal, who are viewed as the founders of the Hanafi, Maliki, Shafi'i, and Hanbali .



5. The structure of Islamic law

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.

6. The Sources of Islamic law

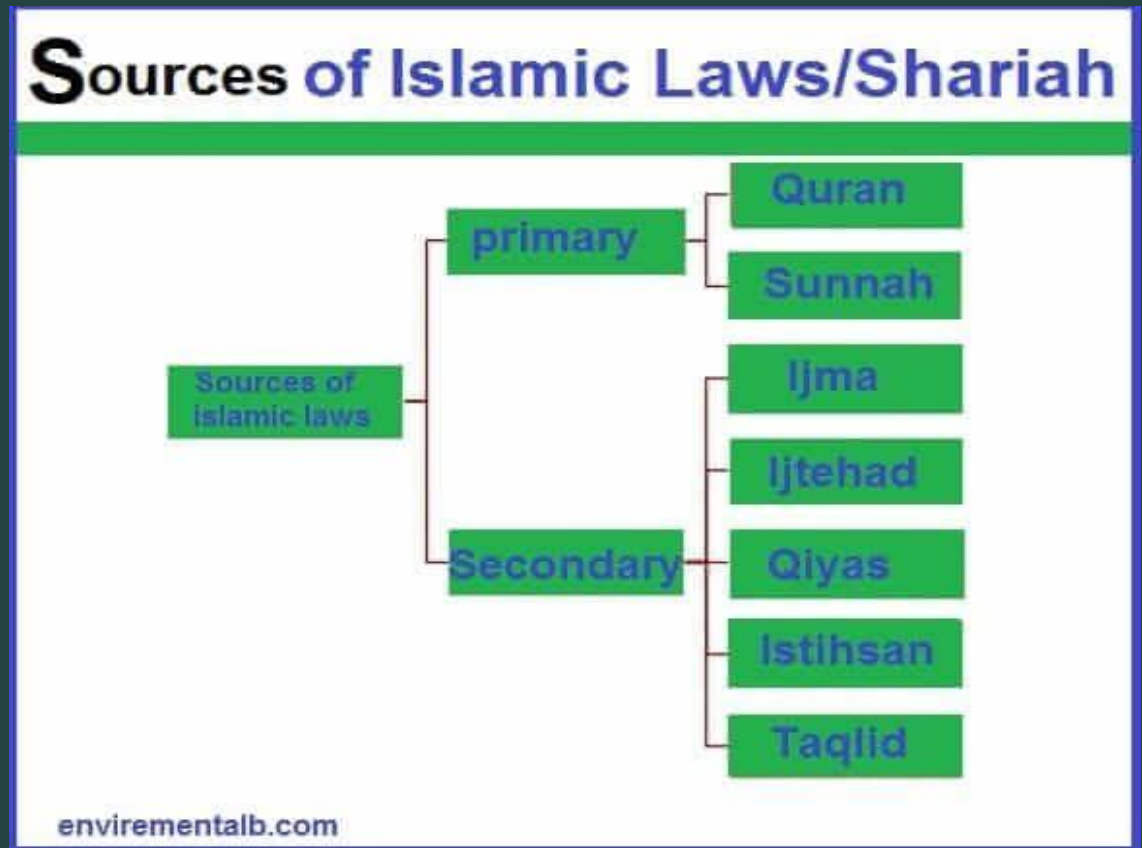
Sources of Muslim law is classify into two categories that is primary sources and secondary sources.

Primary Sources :

- Quran
- Sunnah

Secondary Sources :

- Ijma
- Qiyas

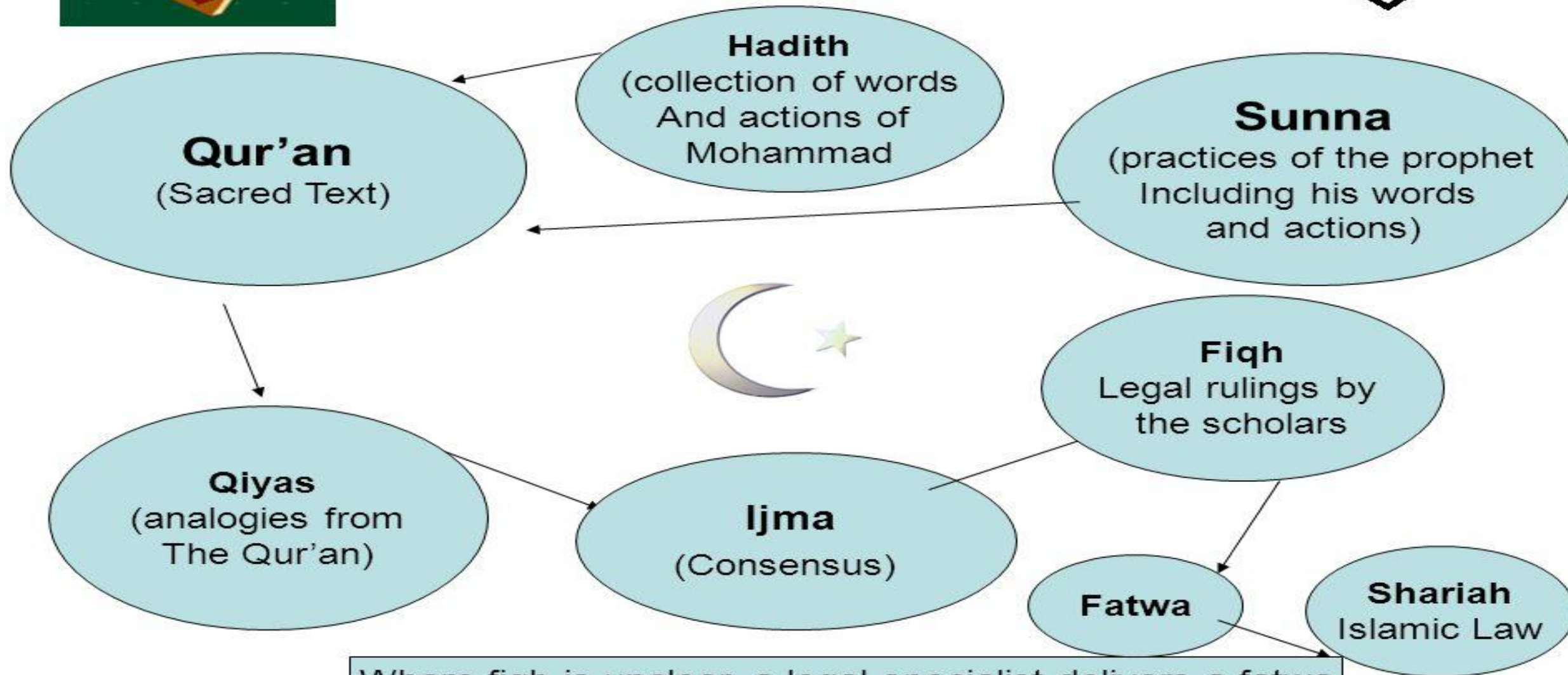


1) Quran

In Islam, the Quran is considered to be the most sacred source of law. Classical jurists held its textual integrity to be beyond doubt on account of it having been handed down by many people in each generation, which is known as "recurrence" or "concurrent transmission".



Islamic Ethics Links

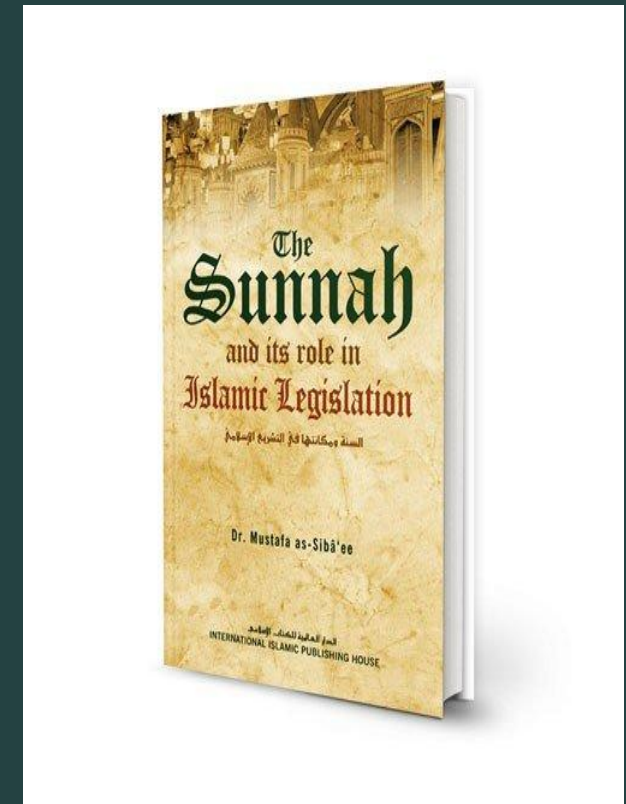


Where fiqh is unclear, a legal specialist delivers a fatwa

2) Sunnah

In Islam, Sunnah are the traditions and practices of the Islamic prophet, Muhammad, that constitute a model for Muslims to follow.

(the book of Islam), are the divine revelation (Wahy) delivered through Muhammad that make up the primary sources of Islamic law and belief.



3) Ijma

It is the consensus that could in principle elevate a ruling based on probable evidence to absolute certainty. This classical doctrine drew its authority from a series of hadiths stating that the Islamic community could never agree on an error.

4) Qiyas

It is the Analogical reasoning that is used to derive a ruling for a situation not addressed in the scripture by analogy with a scripturally based rule. In a classic example, the Quran prohibition of drinking wine is extended to all intoxicating substances.

7. The Egyptian Legal System

□ 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")



- 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

FOR YOUR ATTENTION