

STUDY PLAN
Master In (Jurisprudence and Its Foundations)

(Non-Thesis Track)

Plan Number			2005	N
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A. General Rules And Conditions:

1. This plan conforms to the regulations of the general frame of the program of graduate studies.
2. Areas of specialty for admission to the Master: Holders of the Bachelor's degree in:
 - a. Shari'ah; specialty in Jurisprudence and its Foundations, or in Jurisprudence and Legislation, or in Comparative Jurisprudence, or in Principles of Islamic Jurisprudence.
 - b. General Shari'ah or Islamic Studies.
 - c. Foundations of Religion.

B. Special Conditions: None.

C. The Study Plan: Studying (33) Credit Hours as Follows:

1. Obligatory Courses: (24 Cr. H.)

Course No.	Course Title	Credit hrs.	Pre-req.
0402710	Indications	3	-
0402711	Analogy (Al-Qiyas)	3	-
0402712	Objectives of Islamic Shari'ah	3	-
0402714	Research Methods in Jurisprudence and its Foundations	3	-
0402730	Contemporary Issues in Jurisprudence	3	-
0402735	Felony on Soul in Islamic Jurisprudence	3	-
0402736	Marriage and Divorce in Islamic Jurisprudence	3	-
0402737	Transactions in Islamic Jurisprudence	3	-

2. Elective Courses: Studying (9 Cr. H.) From the Following:

0402715	The Impact of the Legal Maxims on Jurists' Dispute	3	-
0402717	Jurists' Methods in Deducing Rules	3	-
0402733	Juristical Bases	3	-
0402738	Jurisprudence of the Jordanian Civil Law	3	-
0402739	Contract Theory in Islamic Jurisprudence	3	-
0402753	Proof Methods in Islamic Jurisprudence	3	-

3. Comprehensive Exam (0402798)

STUDY PLAN
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 - b. General Shari'ah or Islamic Studies.
 - c. Foundations of Religion.

B. Special Conditions: None.

C. The Study Plan: Studying (33) Credit Hours as Follows:

1. Obligatory Courses: (18 Cr. H.)

Course No.	Course Title	Credit hrs.	Pre-req.
0402710	Indications	3	-
0402711	Analogy (Al-Qiyas)	3	-
0402714	Research Methods in Jurisprudence and its Foundations	3	-
0402735	Felony on Soul in Islamic Jurisprudence	3	-
0402736	Marriage and Divorce in Islamic Jurisprudence	3	-
0402737	Transactions in Islamic Jurisprudence	3	-

2. Elective Courses: Studying (6 Cr. H.) From the Following:

0402712	Objectives of Islamic Shari'ah	3	-
0402715	The Impact of the Legal Maxims on Jurists' Dispute	3	-
0402717	Jurists' Methods in Deducing Rules	3	-
0402730	Contemporary Issues in Jurisprudence	3	-
0402733	Juristical Bases	3	-
0402753	Proof Methods in Islamic Jurisprudence	3	-

3. Thesis: (9 Credit Hours) (0402799)

Course Description
Master Degree In Jurisprudence and its Foundations

- 0402710 Indications (3 Cr. H.)**
The following issues or some of them are taught deeply in this course. 1. Al-Alfaz Wadihat al-Dalalah i.e. ‘the obvious expressions in terms of indication’ which are al-Zahir, al-Nass, al-Mufassar and al-Muhkam. 2. Al-Alfaz Khafiyat al-Dalalah i.e. ‘the unobvious expressions in terms of indication’ which are al-Khafi, al-Mushkil, al-Mujmal and al-Mutashabih. 3. The indications of the texts which are Dalalat al-‘Ibarah i.e. the indication of the statement, Dalalat al-Isharah, the indirect indication of the statement, Dalalat al-Nass, the indication which can be understood from the sense of the statement (and not from its words), Dalalat al-Iqtida’, the indication of the context of the statement. 4. Dalalah al-Mafhum i.e. the indication understood from the text which is divided into two types. Mafhum al-Muwafaqah i.e. the interpretation which is accorded with the obvious meaning of the text, and Mafhum al-Muwafaqah i.e. the opposite of the meaning understood from the text. 5. Other issues relating to the different kinds of expressions, such as al-‘Am, the general and al-Khass, the specific, al-Mutlaq, the absolute, al-Muqayyad, the confined, and al-Mushtarak, the homonym.
- 0402711 Analogy (3 Cr. H.)**
This course treats al-Qiyas, the Analogy, in an inclusive study in the Science of the Principles of Islamic Jurisprudence, including all the relating details to this subject. Thus, it tackles the concept and scope of both of reasoning and analogy. In addition to this, it sheds light on the following issues. The legitimacy and ‘fundamental constituents’ of analogy. The conditions of the ruling that is derived from the text, and the conditions of ruling of the new case which is likened to the former ruling. Al-‘Illah, cause, and its divisions according to the objectives, interests, or consideration. The divisions and conditions of the cause according to the Hanafi school in particular. Masalik al-‘Illah, the ways by which the cause is derived. Al-Sabab, the reason and al-Shart, condition. Tanqih al-Manat, clearing the cause from any external feature. The analogy in al-Hudud and worships. The legitimacy of using the analogy as a source for reasoning.
- 0402712 Objectives of Islamic Shari‘ah (3 Cr. H.)**
This course is devoted to study the objectives of Islamic legislation, as knowing these objectives is an important requirement for understanding the religious texts and deriving rulings from them. However, the main objective of Islamic legislation is to satisfy the interests of the people and to protect them from the evils. Besides, there are other objectives of Islamic legislation, such as meeting mercy and justice, the restricted interest, and justifying the legal rulings by interest. Moreover, it covers the interests of the servants

Sa'd in Egypt, Ja'far al-Sadiq from the Shi'i school, Ahmad bin Hanbal in Iraq, and 'Abd al-Rahman al-'Awza'i in al-Sham.

0402730 Contemporary Issues in Jurisprudence (3 Cr. H.)

This course includes a deep Islamic legal study to several new issues which occur in the contemporary life, such as insurance, donating with the human body members, the beautifying surgeries, al-Murabahah, i.e. a type of sale contract the price of which is paid in instalments in a future time after the contract, in the Islamic banks, the change of the value of the paper currency, and investing the money of al-Zakah.

0402733 Juristical Bases (3 Cr. H.)

This course studies the concept of legal maxims in Islamic Jurisprudence, the differences between this concept and the concept of al-Nazariyyat Fiqh i.e. the legal theory, and al-Dabit al-Fiqhi i.e. a type of legal maxims that are limited to a specific subject of Islamic Jurisprudence. In addition to this, it clarifies the evidence of the legitimacy of the legal maxims and their importance. Moreover, it provides an explanation to a group of these maxims, such as "al-Yaqin la Yazul bi al-Shakk" which means, "The certainty is not disregarded for a doubt". "Idha Ijtama' al-Mubashir wa al-Mutasabbib Yudaf al-Hukm 'ila al-Mubashir" which means that "If the committer of a loss, damage or crime joins the causer of it in committing it, the liability is referred to the former party". "Idha Ta'arad Mafsadatan Ru'i A'zamuhuma Darar bi Irtikab Akhaffihima" i.e. "If two evils happen with each other, and it is impossible to avoid both of them, the major one of them must be avoided by enduring the minor one of them". Finally, this course sheds light on a group of al-Furuq al-Fiqhiyyah i.e. the differences between the legal rulings, from the book of al-Qurafi which is entitled al-Furuq.

0402735 Felony on Soul in Islamic Jurisprudence (3 Cr. H.)

This course highlights the subject of al-Qisas in depth from the books of Islamic Jurisprudence. Hence, it includes an overview on the crime and punishment in Islam, the types of murdering, the penalty of the intentional murdering i.e. al-Qisas, the concept of al-Qisas, its legitimacy, its conditions, its hindrance, and the felony against the embryo i.e. the criminal abortion.

0402736 Marriage and Divorce in Islamic Jurisprudence (3 Cr. H.)

This course tackles the commentary of Jordanian Personal Law regarding the subjects of al-Khitbah, marriage contract, al-Wilayah i.e. custody, the conditions stipulated in the contract, al-Mahr i.e. dowry, and wife's Nafaqah i.e. her living expenses which is due on her husband. Besides, it studies the termination of the marriage contract by al-Faskh i.e. cancellation, or divorce, or al-Taffriq i.e. cancelling the contract by the judge's decision, or al-Mukhala'ah i.e. annulling the contract by the multiple consent of the two parties in exchange for a specific payment provided by the wife. In addition to this, it covers the consequences of the termination of the marriage such as, al-Raj'ah, al-'Iddah, the children's rights in being referred to their father in terms of the origin and the name, suckling, nursing and the living expenses. Furthermore, two of the previous subjects are highlighted more carefully in

this course i.e. al-Wilayah, custody and al-Talaq al-Ta'assufi, arbitrary divorce.

- 0402737 Transactions in Islamic Jurisprudence (3 Cr. H.)**
This course is devoted to study one or more of the following issues in depth, in an analytical and critical way, by referring to the old sources of Jurisprudence. Sale, leasing and hiring, usury, exchange, al-Salam, al-Khiyarat i.e. 'the options', borrowing, mortgage, al-Hiwalah i.e. transferring the responsibility of the debt from the debtor to a third party, bail, 'power of attorney' and so on.
- 0402738 Jurisprudence of the Jordanian Civil Law (3 Cr. H.)**
This course tackles several issues relating to the legal statutes which are taught to the post graduate students of the faculty of Shari'ah. This is in order to expand intellectual mentality and legal knowledge of this group of students, by recognising the similarities of these issues comparing to Islamic Jurisprudence. An example of the suggested subjects is to assess the theory of the right of cancelling the binding contracts according to the Jordanian Civil Law in the case where one of the two contracting parties fails to fulfil his obligation vis-à-vis the other. Another example is to study the theory of execution by means of compensating when the actual execution becomes impossible.
- 0402739 Contract Theory in Islamic Jurisprudence (3 Cr. H.)**
This module is based on a deep comprehensive study of Contract. it deals with six elements; the definition of jurisprudential theory, its history and its relationship to Islamic jurisprudence and its principles, the pillars of the contract, its conditions, its types, its implications and when its expiration and the reasons for it.
- 0402753 Proof Methods in Islamic Jurisprudence (3 Cr. H.)**
This course studies in a comparative, analytical, and deep way some issues relating to the proof methods from an Islamic legal perspective. For example, it examines witnessing; the witnessing of men, the witnessing of both of men and women, and the witnessing of women only. Besides, it covers several subjects belonging to this theme, such as confession, al-Qara'in i.e. the presumptions, the oath, the knowledge of the judge, the written documents and so on.