

STUDY PLAN
Master In (Islamic Jurisdiction)

(Non-Thesis Track)

Plan Number			2005	N
--------------------	--	--	-------------	----------

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 Islamic Jurisdiction.
 - b. Shari'ah; specialty in Jurisprudence and its Foundations, or in Jurisprudence and Legislation or in Comparative Jurisprudence, or in Principles of Islamic Jurisprudence.
 - c. General Shari'ah or Islamic Studies.
 - d. 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	Cr. hrs.
0402710	Indications	3
0402714	Research Methods in Jurisprudence and its Foundations	3
0402740	Wills and Inheritance in Islamic Jurisprudence	3
0402750	Marriage Contract and its Implications in Jordanian Civil Law	3
0402751	Dissolution of Marriage and Its Implementation in the Jordanian Civil Law	3
0402753	Proof Methods in Islamic Jurisprudence	3
0402755	Principles of Islamic Trials	3
0402756	Cases and Judgments	3

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

0402711	Analogy (Al-Qiyas)	3
0402712	Objectives of Islamic Shari'a	3
0402715	The Impact of the Legal Maxims on Jurists' Dispute	3
0402733	Juristical Bases	3
0402758	Charters and Documentation	3
0402759	The Rules of Indemnity in Islamic Jurisprudence	3

3. Comprehensive Exam (0402798).

STUDY PLAN
Master In (Islamic Jurisdiction)

(Thesis Track)

Plan Number			2005	T
--------------------	--	--	-------------	----------

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 Islamic Jurisdiction.
 - b. Shari'ah; specialty in Jurisprudence and its Foundations, or in Jurisprudence and Legislation or in Comparative Jurisprudence, or in Principles of Islamic Jurisprudence.
 - c. General Shari'ah or Islamic Studies.
 - d. 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	Cr. hrs.
0402710	Indications	3
0402714	Research Methods in Jurisprudence and its Foundations	3
0402740	Wills and Inheritance in Islamic Jurisprudence	3
0402750	Marriage Contract and its implications in Jordanian Civil Law	3
0402751	Dissolution of marriage and Its Implementation in the Jordanian Civil Law	3
0402755	Principles of Islamic Trials	3

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

0402712	Objectives of Islamic Shari'a	3
0402733	Juristical Bases	3
0402753	Proof Methods in Islamic Jurisprudence	3
0402756	Cases and Judgments	3
0402758	Charters and Documentation	3
0402759	The Rules of Indemnity in Islamic Jurisprudence	3

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

Course Description
Master Degree In Islamic Jurisdiction

- 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 which are divided into three categories. 1. Al-Dharuriyyat, the necessities or the necessary interests. 2. Al-Hajjiyyat, the utilitarian interests. 3. Al-Tahsiniyyat, the embellished or secondary interests. Thus, it studies the concept of these three types of interests, some of their examples, and the rulings legislated for meeting them. Besides, it concentrates on assessing the five issues the protection of which is considered as being the foundation of the interests of the people i.e. religion, human soul (life),

mind, progeny and property. It sheds light also on several relevant subjects, such as the order of the legal rulings according to their objectives, commanding in Islamic Shari‘a comes only with the possible rulings, and the prohibition level differentiates according to the variety of the level of the harm which the unlawful deed causes.

0402714 Research Methods in Jurisprudence and its Principles (3 Cr. H.)
This course provides a study to the concept of methodology, the general methods of academic research. Besides, it tackles the research in the field of Islamic Jurisprudence and its principles in terms of its methodology, standards, steps, scope, and problems. Further, this course examines some applications of the research in the stated field. Moreover, it provides refutations for the criticisms concerning the research in field of Islamic studies. Finally, it studies the specialised sources that relate to the academic research in the field in question.

0402715 The Impact of the Legal Maxims on Disagreement of Jurists (3 Cr. H.)
This course gives a general view on the impact of legal maxims on the disagreement of the jurists. In addition, it makes a deep study to one or more of the following subjects. The most important reasons for the disagreement between the jurists in the legal issues. The legal maxims that concern the ways by which the expressions indicate to the legal rulings, and the impact of this kind of maxims on the disagreement of the jurists. The maxims that relate to the original sources of Islamic jurisprudence. The legitimacy of al-Qira’ah al-Shshadhdhah. The legitimacy of Khabar al-Wahid in general, its legitimacy as a reference to the issues that belong to ‘Umum al-Balwa, i.e. the matters that cause a sort of general hardship to the people, and its legitimacy in the cases where it disagrees with a basic principle in Islamic jurisprudence. The legitimacy of al-Hadith al-Mursal. The legitimacy of the silent consensus. The legitimacy of the consensus of the residents of al-Madinah.

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‘zamuha 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.

0402740 Wills and Inheritance in Islamic Jurisprudence (3 Cr. H.)
It is an in depth study of the issues of: inheritance conditions, preventive means, inheritors and other issues.

0402750 Marriage Contract and its implications in Jordanian Civil Law (3 Cr. H.)

This module includes an introduction to the Civil Law, its fundamental basis and its history. Also it deals with engagement, marriage, guardianship, legal capacity, registration of marriage, unlawful women to marry, kinds of marriage, and marriage rulings such as dowry, accommodation expending ...

0402751 Dissolution of marriage and Its Implementation in the Jordanian Civil Law (3 Cr. H.)

This module deals with divorce and its rulings; capacity of the husband to divorce, agent of divorce, women who are subject to divorce, repeating divorce, , divorce of the drunk, the forced, and the batty. Variants of divorce; the simple revocable, the double revocable and the triple Irrevocable Sunnah divorce, the conditional and the unconditional divorce, figurative pronouncements and actual divorce, divorce oath formula and registering divorce.

It also deals with divesture or self-redemption, separating between the couple by the judge authority as for defect, insanity, absence, harm ness, deficiency, imprisonment, lost, and dispute. Probationary, decency, nursery and relatives expenders.

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.

0402755 Principles of Islamic Trails (3 Cr. H.)

This course sheds light on the definition of the principles of the trails, the judicial orderliness, its types, its levels, the foundational principles of the judicial system, trails guarantees, theory of lawsuit. It provides also a comparison between the lawsuit in Islam with the lawsuit in the statutes penalty systems. Further, it covers the principles of the trails, the procedures of the theory of nullity, and the abusive acting in judging.

0402756 Cases and Judgments (3 Cr. H.)

This course studies the following issues in depth and explain the process of issuing the judgments for them. The lawsuit of the living expenses which is due to the wife, the lawsuit of custody, the lawsuit of the expenses of the relatives, the lawsuit of the marriage obedience. Besides. It studies the lawsuit which concerns dissolving the marriage contact for a conflict, an absence or harm, and an imprisonment. The lawsuit of dowry which is paid in advance and the lawsuit of the postponed dowry which is paid in the future. The lawsuit of the entitlement to inherit. Moreover, this course provides a practical judicial study by assessing and attending 15 different cases in the Islamic Shar'i courts.

0402758 Charters and Documentation (3 Cr. H.)

This course highlights comprehensively the following subjects. 1. The Islamic legal documentation, its meaning, the expressions and terms that is used to stand for it, its types, and its importance. 2. The documenter; his job, significance, conditions, and etiquettes. 3. The document; the legitimacy of writing it, its conditions, and its etiquettes. 4. The documentation of the marriage contract; its history, the status of the Jordanian Law from it. 5. The job of al-Ma'thun al-Shar'i i.e. the authorised person to conclude and document the marriage contracts. 6. The documentation of the certificates of divorce, inheritance, wills,

endowment, power of attorney and the other documents which are issued by the Islamic Shar‘i courts. 7. The documentation of some of the contracts of the Islamic banks, such as al-Murabahah.

0402759 The Rules of Indemnity in Islamic Jurisprudence (3 Cr. H.)

This course provides a broad study to the rulings which relate to indemnities from an Islamic legal perspective. It assesses the definition of the indemnity, its legitimacy, the divisions of murdering. The amount of the indemnities of the woman, the Dhimmis, the Magus, and embryo. Besides, it studies the following subjects. Al-‘Aqilah i.e. the male relatives of the murderer, its definition, the proofs for its legitimacy. The party on whom paying the indemnity fails due. The members of al-‘Aqilah who are not responsible of paying it. The amount which is due on each liable member of al-‘Aqilah. The amounts of indemnities that relate to the crimes committed on the body members. The conditions and the reasons of the latter type of indemnities.