al-Farabi Kazakh National University

Faculty of international relations

Department of international law

Educational program on the specialty
5B030200-International Law

Syllabus of discipline

5207Muslim law

Semester: autumn, 2018-2019 year

Academic Course Information

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Code | Course (discipline) | **type** | **Weekly classes**  | Credits | **ECTS** |
| Lec. | **Sem.** | **Lab.** |
| **IP 5207** | Muslim law | BD | 2 | 1 | 0 | **3** | 5 |
| Lecture | **Omirzhanov T. Yesbol** – candidate of jurisprudence, Associate professor | **Office hours**  | in accordance with the schedule |
| **e-mail** | yesbol\_1981@mail.ru |
| phone number | 2-43-83-22, 87772686571 | **room** |  |
| assistant  |  | **Office hours**  |  |
| e-mail |  |
| phone number |  | **room** |  |

|  |  |
| --- | --- |
| **Description of the course**  | Muslim law is an independent branch of the law, which directed to study main sources and methods, features and main branches of sharia. Discipline has a theoretical and basic type of training course. Discipline forms students' analytical abilities, also develops skills of working with various sources, texts. The course takes the main place in the EP (educational program). Goal and objectives of the discipline is to make the students' understanding of the diversity of the Muslim legal system. Also form a knowledge of the basic provisions of the course “Muslim Law "; develop the ability to self-analysis features of the Muslim legal system and legislation as a single country or a group of countries; consolidate the knowledge through a series of independent projects and workshops .on the basis of the discipline "Muslim Law," the master degree student must possess a certain level of knowledge about the main institutions of Muslim law. Know about the main concepts of the origin of the muslim legal system, to be able to analyze the main concepts of sharia, have a good knowledge in the field of fiqh. |
| **Pre-requisites** **Post-requisites** | * Theory of state and law, History of legal and political doctrines
* Comparative Law problems
 |
| **LIST OF REFERENCES** | 1. Wael B.Hallaq. The Origins and evolution of Islamic Law. Cambridge, 2011
2. Wael B.Hallaq. Sharia. Theory. Practice. Transformation. Cambridge, 2010
3. Sadakat Kadri. Heaven on earth. A journey throught sharia law. London. The Bodley Head. 2011
4. Mohammad Hashim Kamali. Principles of Islamic Jurisprudence. The Islamic text society. 2011

Available online: Additional training materials and documentation used for homework, will be available on your page on univer.kaznu.kz site. in EMCD section. |
| **POLICY OF THE COURSE** | 1. For each classroom you have to prepare in advance, according to the schedule below. training should be completed by the classroom, where the topic is discussed.
* IWS tasks will be distributed throughout the semester, as shown in the graph of discipline. Student passes essay or report within the specified period.Specific requirements for the research assignment will be distributed in class. All assignments will constitute 10% of the final mark of the course.

The student must perform all tasks and pass the IWS teacher. Specific requirements will be distributed in class. This task will be 15% of the final grade. When performing tasks subject to the following rules: Targets should be carried out within a specified time. in written form should be completing quests. The student must write his vision regarding the particular material. The maximum size of 3 page abstract.Academic values:Academic honesty and integrity: independence of all tasks; inadmissibility of plagiarism, forgery, use of cribs, cheating at all stages of knowledge control, cheating the teacher and disrespectful attitude towards him. (Code of Honor of a student of KazNU). Students with disabilities can receive counseling on the above E-mail and telephone. |
| **Assessment policy** | **Description of** independent work | **All** | **Results**  |
| Home tasks Research work Individual tasks Examinations Total | 35%10%15%40%100% | 1,2,34,5,62,3,44,5,61,2,3,4,5,6 |
| Your marks in in percentages:95% - 100%: А 90% - 94%: А-85% - 89%: В+ 80% - 84%: В 75% - 79%: В-70% - 74%: С+ 65% - 69%: С 60% - 64%: С-55% - 59%: D+ 50% - 54%: D- 0% -49%: FLandmark control will be conducted on theoretical questions of discipline (for 7 weeks).Midterm examination – 100 points. Midterm examination includes 20 theoretical questions. Every examination ticket includes 3 theoretical questions. Every question requires complete answer. Every question – 34, 33, 33 points (complete and right answer – 34, 33, 33 points, incomplete and right answer – 15 points, incomplete and not exact answer – 10 points, uncorrect answer – 0 point. Midterm examination will be hold in the written form.Final examination – 100 points. Final examination includes 30 tests. Examination will be hold in the test form.Criterial evaluation: evaluation of learning outcomes in relation to descriptors (checking the formation of competences on the boundary control and examinations).Summative assessment: assessment of the presence and activity of work in the classroom; evaluation of the completed task, the CDS (project / case / program) |

Calendar for the implementation of the content of the training course:

|  |  |  |  |
| --- | --- | --- | --- |
| **week** | **Name of the theme** | **number of hours** | **marks** |
|  | Module 1. |  |  |
|  |  |  |  |
| 1 | Lecture 1. Subject, meaning, sources and method of Muslim law | 2 | 2 |
|  | SeminarQuran and its importance for human beings. Quran as the primary source of Muslim Law. Sunnah and its significance. Ijma and Qiyas | 1 | 5 |
| 2 | Lecture 2. Main principles of Muslim law | 2 | 2 |
|  | SeminarThe relationship between law and religion and how does it look like in Muslim Law. The main values protected by Shariah. Judgements of Shariah (Shariah Verdicts). The importance of Shariah in regulation of interrelations of society in civilized world. | 1 | 5 |
| 3 | Lecture 3. Main schools in Islam | 2 | 2 |
|  | SeminarSunni and Shia as the main movement in Islam. The reasons of segregation of Madhhab in Islam. Madhhab of Abu Hanifah and its spread into Central Asia. Description of Sunni and Shia Madhhab. | 1 | 5 |
|  | Report 1: The life of Abu Hanifa. |  | 9 |
| 4 | Lecture 4. Muslim Constitutional law and Charter of Medina | 2 | 2 |
|  | SeminarThe history of formation of Muslim Constitutional Law. Driving forces on evolution of Muslim Constitutional Law. Medina Charter (Constitution of Medina). The main rules of Charter of Medina in modern description. | 1 | 5 |
|  | Report 2: Table of contents of Medina Charter (Constitution of Medina) |  | 9 |
| 5 | Lecture 5. Muslim Administrative Law | 2 | 2 |
|  | SeminarThe peculiarities of Muslim Administrative Law. Shura is the supreme representative body of the state. Diwan and its legal status. Emirs and their office | 1 | 5 |
|  | Report 3: The forms of governance in Islamic countries. |  | 9 |
| 6 | Lecture 6. Muslim Social LawPublic Law | 2 | 2 |
|  | SeminarThe peculiarities of Muslim Social Law. Zakat and its importance. Issues on social responsibilities of Kazakh and Islamic civilization  | 1 | 5 |
|  | Report 4: The concept of tax in Islamic context. |  | 9 |
| 7 | Lecture 7. Muslim Family Law | 2 | 2 |
|  | SeminarThe Basic theories of Muslim family law. Mehr (Dower) and its significance. The Legal status of male and female in a family. Legal status of male and female in Islam. The rights of Inheritance in Muslim Law. | 1 | 5 |
|  | 1 **Landmark control** |  | 15 |
|  | Total |  | 100 |
| **8**  | **midterm examination**  |  | 100 |
|  |  | **total** | 200 |
| 8 | Lecture 8. Dissolution of marriage in the Muslim law and its requirements. | 2 | 2 |
|  | SeminarThe basic claims of marriage dissolution under Muslim Family Law. Initiating of divorce by male. Divorce at the request of female (Divorce at the behest of the wife). The Requirements related to the recovery of marriage. Disputes on property, custody of children and their rights in Divorce under Muslim Family Law. | 1 | 5 |
| 9 | Lecture 9. Law of obligation in Muslim law | 2 | 2 |
|  | SeminarPeculiarities of law of obligation in Muslim law. Types of obligations in Muslim law. Contract of sales and purchase. Contract of donation (charity) | 1 | 5 |
|  | Report 1: The peculiarities of charity or donation contracts. |  | 12 |
| 10 | Lecture 10. Muslim Finance law | 2 | 2 |
|  | seminar.Background of the practice of Muslim finance. The Basic concepts of Muslim Finance Law. Interest and its prohibition in Islam. Islamic Finance Institutions in territories of Kazakhstan | 1 | 5 |
|  | Report 2: Islamic Finance Institutions in the territories of Kazakhstan  |  | 12 |
| 11 | Lecture 11. Muslim Land Law  | 2 | 2 |
|  | seminar.Property law in Islam. The basic regulation rules related to the land law in Islam | 1 | 5 |
|  | Report 3: The basic regulation rules related to the land law in Islam |  | 10 |
| 12 | Lecture 12. Muslim Criminal Law | 2 | 2 |
|  | SeminarThe concept of crimes in Muslim law. Implementation of The Hudood ordinances. Types of criminal offences punished by Hadd, Hadd Offences. Types of crimes punished by Qisas (eye for an eye), Qisas Offences. Types of criminal offences punished by Tazir. Tazir Offences | 1 | 5 |
| 13 | Lecture 13. Muslim Procedural Law | 2 | 2 |
|  | SeminarThe principles of Judicial Procedure in Islam. Participants in Muslim litigation (legal proceedings) Lawsuit. The features of Muslim legal proceedings (litigation process) Lawsuit | 1 | 5 |
| 14 | Lecture 14. Human Rights in Muslim law | 2 | 2 |
|  | SeminarHuman rights in Muslim Law. The rights of women in Islam. The Muslim Women and Protection of their rights.The rights of children in Islam. The techniques of protecting Muslim human rights | 1 | 5 |
| 15 | Lecture 15. Muslim International Law | 2 | 2 |
|  | SeminarThe history of development international law in Muslim countries. The basic Theory of Muslim countries in International Law. (the basic theories of adherence Islamic countries in international law). Modern Islamic International Law Institutions. | 1 | 5 |
|  | 2 **Landmark control** |  | 10 |
|  | **Total** |  | 100 |
|  | Examination |  | 100 |
|  | **Total** | 45 | 400 |

Head of the methodical bureau: candidate of jurisprudence,

Associate professor Mashimbaeva G.A.

Head of the International Law Department: candidate of jurisprudence,

Associate professor Sairambaeva Zh.T.

Compiler: candidate of jurisprudence, Associate professor Omirzhanov Y. T.