

## Course Syllabus

**Course:** Civil Law in Islam

**Program of study:** Islamic Theology

**Number of ECTS credits:** 4

**Status of course:** Selective

**Code of course:** 305

**Number of classes:** 2+1

**Academic year:** 2021/2022

**Semester:** V

**Teacher:** Prof. ass. Dr. Shefqet Krasniqi

### Short description of course

This course is about transaction, its legitimate forms, its type, forms of prohibited ways of transaction which includes: deceit, transaction of dirty items, forced or imposed selling and buying et. It also concerns interest pay, its type, side-effects in society. The course will deal also with the right or possibility to cancel transaction, some forms of business like partnership, its type, characteristics of each type, types of partnership etc.

### Goal of course

Transaction and contracts, including its forms and types, have a great importance in the life of citizens because men as a social creature need the help of each-other; need to have same items as possessed by others. This is achieved in different forms like donation, borrowing, transaction, cancellation of transaction, handling such borrowed or donated property, authorization, pledge and other forms included in this context. In other hand, a Muslim is enough careful not to use the property of another or benefit from it apart from what is legal to do so. The present course has been introduced for students to learn to comply with above-said and clarify referred to provisions with facts in order for Muslims to be aware. In fact this demonstrates greatness of this religion and inclusion of all aspects of life in it.

Also students will be able to learn the opinions of four legal schools regarding themes touched upon which is a huge quite important. .

### **Expected learning outcomes:**

By the end of semester students will be able to:

Understand detailed information on this course – Islamic civil right

Demonstrate and explain to others the terms used

Maintain their opinions by providing arguments just like Islamic jurists do

### **Instruction Methodology:**

Lessons will be delivered in forms of lectures, debates, interactive discussion, seminars and researching new literature which is closely related to nature of this course. There will be evaluating tests and working groups with students on certain topics.

### **Content of course:**

**Week one:** Introduction, importance of course, its purpose, information on syllabus, literature, instruction methodology, grading and so on. .

**Literature:** (Legislation of prophet tradition. 3/15-80)

**Week two:** Transaction, its definition, its legitimacy, its pillar, its type.

**Literature:** (Legislation of prophet tradition 3/89-92)

**Week three:** Imposed transaction, transaction on transaction, transaction of water, transaction of halal items for fear of being used in prohibited manner, transaction to two persons, transaction of stolen goods, and transaction in mosque.

**Literature:** (Legislation of prophet tradition 3/101-102)

**Week four:** Prohibited transaction, hated transaction, invalid transaction, transaction of dirty items, transaction of water and dog.

**Literature:** (Legislation of prophet tradition 3/102-109)

**Week five:** Right to select, right to be elected in parliament, the right to put a condition, right to select on disability. .

**Literature:** (Legislation of prophet tradition 3/118-131)

**Week six:** Price-fixing, profit limit, market monopolization, bribing

Restrictions (Prohibition of legal competences), definition, legality and provision of restriction, reason of restriction legitimacy, classification of limitation according to type of benefit. Should a man in difficulty be limited? Guardian and his condition, exchange of guardians, limitation for general interest, lifting of limitation on persons subject to limitation.

**Literature:** (Fihu Hanefi 2/407-421)

**Week seven:** first colloquium.

**Literature:**

**Week eight:** Presentation of colloquium outcomes – clarification to questions asked about colloquium. Transaction with prepayment, its definition, its legality and conditions.

**Literature:** (Transaction 3/122-125)

**Week nine:** Interest, its definition, chronology of prohibition of interest, reason of prohibiting the interest, types of interest, interest on addition and default interest, banks and interests, functioning of Islamic banks.

**Literature:** (Legislation of prophet tradition 3/125-130)

**Week ten:** Mortgage, its definition, its provision and legality, reason of legitimacy of mortgage, components making mortgage valuable, condition for value of mortgage, benefit from mortgage.

Usurpation, its definition; benefits from usurped property or item; protection of property against usurper.

**Literature:** (Fihu Hanefi 3/341-359)

**Week eleven:** Borrowing, its definition, its legality, reason for allowing it; time to repay the loan, damage or weary of borrowed item. Borrowing of the borrowed item.

Placing a thing in trust, its legality, benefit from things escrowed. Difference between borrowing and escrowed things. Donation, its provision, cases when the owner of a donated item wants his item back.

**Literature** (Fihu Hanefi 2/537-543)

**Week twelve:** Debt, its legality, time for repaying a debt. Postponement of debt to another deadline. Difference between debt, borrowing and escrowed items.

Authorization, its definition, representation, provision and its legality, integral parts of authorization, condition of authorization, conditional authorization in time, authorization for conflicts, indemnity, termination of contract for authorization.

**Literature:** (Fihu Hanefi 2/609-628)

**Week thirteen:** Finding an item, a lost property, what should one do of such property, benefits from an item that was found.

Finding a deserted baby, what to do in this situation; rights toward that baby if his/her parent is known or not. Lost or missed person. How long should be waited for them before their property is divided, what to do with trade or partnership someone used to have a share into.

Contract on planting, its definition, legality, conditions of such contract. Leasing land for money.

Contract for irrigation, its definition, legality, condition of such contract.

**Literature:** (Fihu Hanefi 2/387-402)

**Week fourteen:** Partnership, legality of partnership, reason for partnership, integral parts of partnership, types of partnership, unequal partnership, equal partnership, partnership in trade, partnership in position, terminating contract on partnership. Contemporary insurance and their legality.

**Literature: (Legislation of prophet tradition)** 3/208-216)

**Week fifteen:** Waqf, its legality, its type, benefit from waqf, change of waqf, testament, its legality, amount of testament, when testaments are taking effect, testaments on inheritor.

End of semester – summary

**Literature:** (Fihu Hanefi 2/509-533, 2/351-358)

### **Criteria and components of evaluation:**

Participation and involvement in the class 10%

Seminar paper 10%

Evaluation of the first test 20%

Evaluation of the second test 20%

Final exam 40%

Total 100%

### **Mandatory Literature:**

Mr. Ejup Haziri, *E drejta civile*. Prishtinë, 2014, Published: Fakulteti i Studimeve Islame

### **Consultative literature:**

1. Group of scholars, *A Short Description of Islamic Legislation*. Shkup, 2008

2. Vehbetu Zuhejl, *El-Vexhiz Fi El-Fikh El-Islamij*, Dara El-Fikr Damask 2007, second edition

3. El-Mejdani, *El-Lubab Fi Sherh El-Kitab*, Dar Tiba Damask.