

Islamic sharee'a

Islamic sharee'a has been an important source of law. Islamic countries depended on Islamic sharee'a from the seventh century till the nineteenth century as their law. This sharee'a was a complete system for regulating life and spreading good behavior among Muslims. It consists of the holy Quran and the tradition of our prophet, Muhammad. It is a divine legislation in its source. It is a positive law as Muslims depended on it in writing more and more legal rules.

When France invaded north Africa , the Islamic sharee'a became less important as a source of law. After that, the ottoman state borrowed some French legal rules and put them instead of the Islamic rules. But the ottoman state issued its civil law in 1876, depending on Islamic sharee'a only. It organized the personal status affairs of the state.

In Iraq , Islamic sharee'a is now a source of law in two fields only: personal status affairs and financial dealings. Personal status affairs include marriage, divorce, will, inheritance, ... financial dealings organize the financial activities in the society and protect the rights of the people.

The Iraqi civil codification says: ((if legislation does not say anything about a certain matter, the court should go to custom. If custom does not say anything about it, the court should go to Islamic sharee'a. if al-sharee'a says nothing about it, the court should depend on the rules of justice)).

So, we may say that Islamic sharee'a is the third source of law in Iraq.

Key words

System نظام

Invade يغزو

Right حق

Personal status law قانون الأحوال الشخصية

Financial dealings معاملات مالية

Tradition الحديث الشريف

State دولة

Deal with يتعامل مع