

Judiciary and jurisprudence

In Iraq, there are four formal sources of law. They are legislation, custom, Islamic Sharee'a and rules of justice. A judge goes to them for answers. There are also two interpretative sources of law. They are judiciary and jurisprudence. If something is not clear in the formal sources, they explain it. They complete each other. A judge learns from the opinions of a jurist.

Judiciary is the group of judges in country. It also means the collection of decisions issued by the courts of a country. It is the practical side of law.

Judiciary appeared first in Rome. It was one of the sources of the Roman law. In the Islamic society, it appeared with Islam. Islam spread justice. Muhammad was the first Muslim judge. After Muhammad, Muslims needed judiciary for the new changes in their lives. After that, Judiciary depended on jurisprudence in making its decisions.

In England, Judiciary is a formal sources of law. A judge sometimes depends on previous decisions made by other judges. This is because the English law is not codified.

Jurisprudence is the second interpretative sources of law. It means the opinions of justice. It is the scientific side of law.

It puts theories. Judges depend on these theories.

In Islam, jurisprudence began with the Holy Quran. In the second century A.H. different schools of Islamic jurisprudence appeared. Discretion also appeared. It

developed the legal system. It encourages the judge to study the situation carefully before taking his decision.

Key words

1_ judiciary	مجموعة القرارات التي تصدرها المحاكم
2_ Jurisprudence	الفقه القانوني
3_previous decisions	قرارات سابقة
4_ formal	رسمي
5_ jurist	فقيه بالقانون
6_ opinion	راي
7_ theoretical	نظري
8_ encourage	يشجع
9_ carefully	بعناية
10_ theory	نظرية
11_ discretion	اجتهاد
12_ interpretative	تفسيري
13_ collection	مجموعة
14_ practical	عملي

15_ situation

موقف

16_ useful

مفيد

17_ A.H.

بعد الهجرة

18_ scientific

علمي