

Harmonization Of Islamic Law In National Legal System A

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State Law as Islamic Law in Modern Egypt BRILL

The legal treatment of sexual behavior is a subject that receives little scholarly attention in the field of Middle East women's studies. Important questions about the relationship between sexuality and the law and about the societies enforcing that relationship are rarely addressed in the current literature. Elyse Semerdjian's "Off the Straight Path" takes a bold step toward filling that gap by offering a fascinating look at the historical progression of the treatment of illicit sex under Islamic law. Semerdjian provides a comprehensive review of the concept of zina, i.e., sexual indiscretion, by exploring the diverse interpretation of zina crime as presented in a variety of sources from the Qur'an and hadith to legal literature. She then delves into the history of legal responses to zina within the specific community of Aleppo, Syria.

Drawing on a wealth of shari'a court records, Semerdjian provides a realistic view of Syrian society during the Ottoman period. With vivid detail, she describes specific women's lives and experiences as their cases are presented before the court. Semerdjian argues that the actual treatment of zina crimes in the courts differs substantially from sentences prescribed by codified Islamic jurisprudence. In contrast to the violent corporal punishments dictated in the Islamic legal code, the courts often punished crimes of sexual indiscretion with nonviolent sentences, such as removal from the community. Employing exceptional insight, "Off the Straight Path" presents a powerful challenge to the traditional view of Islamic law, enabling a richer understanding of Islamic society.

A History of Distinctions Literature in Islamic Law John Wiley & Sons

Most Muslim-majority countries have legal systems that enshrine both Islam and liberal rights. While not necessarily at odds, these dual commitments nonetheless provide legal and symbolic resources for activists to advance contending visions for their states and societies. Using the case study of Malaysia, *Constituting Religion* examines how these legal arrangements enable litigation and feed the construction of a 'rights-versus-rites binary' in law, politics, and the popular imagination. By drawing on extensive primary source material and tracing controversial cases from the court of law to the court of public opinion, this study theorizes the 'judicialization of religion' and the radiating effects of courts on popular legal and religious consciousness. The book documents how legal institutions catalyze ideological struggles, which

stand to redefine the nation and its politics. Probing the links between legal pluralism, social movements, secularism, and political Islamism, *Constituting Religion* sheds new light on the confluence of law, religion, politics, and society. This title is also available as Open Access.

Islamic Capital Markets Institute of Southeast Asian Studies

"Harmonizing Similarities" is a study of the legal distinctions (al-furūq al-fiqhiyya) literature and its role in the development of the Islamic legal heritage. This book reconsiders how the public performance of Islamic law helped shape legal literature. It identifies the origins of this tradition in contemporaneous lexicographic and medical literature, both of which demonstrated the productive potential of drawing distinctions. Elias G. Saba demonstrates the implications of the legal furūq and how changes to this genre reflect shifts in the social consumption of Islamic legal knowledge. The interest in legal distinctions grew out of the performance of knowledge in formalized legal disputations. From here, legal distinctions incorporated elements of play through its interactions with the genre of legal riddles. As play, books of legal distinctions were supplements to performance in literary salons, study circles, and court performances; these books also served as mimetic objects, allowing the reader to participate in a session virtually. Saba underscores how social and intellectual practices helped shape the literary development of Islamic law and that literary elaboration became a main driver of dynamism in Islamic law.

Differential Approaches to Islamic Banking Cambridge University Press

'a superb book' J South Pacific L --

The Centrality of Peace in the Teachings of Islam in Relation to International Law
Hussein Elasrag

This volume explores the recent decision by Egypt to constitutionalize sharī'a and analyzes the Egyptian judiciary's attempts to argue that sharī'a is consistent with human rights. It will interest anyone studying Islamic law, constitutional thought in the Middle East, or Islam and human rights.

Islam, Law, and Equality in Indonesia
Cambridge University Press

The research involves an analysis of the juristic differences between the scholars of Malaysia and Middle-East including Bahrain and Kuwait in the realm of Islamic banking. Disagreements exist in juristic views and rulings particularly between Malaysia and other governments. Debt financing is the central area where disagreements exist between the scholars of Malaysia and Middle-East. Broadly speaking, the Middle-Eastern scholars prohibit debt trading while the Malaysian scholars in official rulings permit it. The research will also look into the legal and regulatory aspects of the Islamic financial industry as the principles of the Islamic banks are alien to the existing legal structure applicable to the financial sector in general and to the banking sector in particular. The present research is an effort to look at the two divergent approaches from an Islamic jurisprudential perspective. It was revealed that usul al-fiqh has failed to stimulate ijtiḥad. Ijtiḥad is a central term with regard to law making in Islamic law. Nonetheless, ijtiḥad has been held responsible for making Islamic law un-systematic due to the lack of a standard application. A renowned modern jurist,

Zaki Badawi has emphasised on the use of maqasid oriented approach to ijtiḥad for the development of Islamic financial system. The same approach has been suggested by Hashim Kamali, whereby he proposed the extension of the theory of maqasid to ijtiḥad. The issue of disagreement is very significant and has a far reaching impact on the Islamic banking industry worldwide. It can be said that disagreement is unavoidable, but at the same time, there exist a reconciliatory mechanism in Islamic law to harmonize different interpretations from jurisprudential perspective which is the central theme of the present research. However, the issue of disagreement could be resolved from either juristic or administrative perspectives or both. Harmonization of the different views amongst the scholars from the different schools of thought is necessary to enhance the global development of Islamic banking and finance. The study is mainly based on library research and is analytical, descriptive and comparative. The methodology that was used contains different mechanisms of usul al-fiqh such as ijtiḥad, istiḥsan and its other supplementary proofs were applied to the existing juristic differences. The maqasid oriented approach to ijtiḥad can help to make the legal theory relevant to the needs of the Muslim world. It is recommended that any further move in this direction be made under the purview of siyasah shariyyah. Maḥalāh requires that juristic differences be harmonized for the sake of promotion and prosperity of the Islamic banking industry.

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A Challenge Cambridge University Press

The heated discussion of harmonization has been conferred high priority in Islamic banking and finance industry recently. This occasioned to bounteous debates among scholars concerning how to resolve the impair variance of opinions among Shariah scholars of diverse schools of thoughts (Mazahib). This miscellany eventually augment the confusion among the Islamic banking and financial circle and its market participants regarding the acceptability of specific features of Islamic financial contracts and operations. Incontrovertibly, this has hampered the progress of Islamic financial institutions due to the unharmonized Islamic financial contracts. In addition, the application of non-Islamic laws such as the English common law or the conventional law to resolve disputes in Islamic banking is a big challenge. In line with this, the present paper therefore mainly focuses on discussion of harmonization in Islamic banking and finance industry. As such, the paper attempts to present an overview on harmonization of Shariah accepted guidelines with respect to IBF's sales contracts. This paper is expected to make significant contributions towards the development of the industry in the future.

Harmonizing Law in an Era of Globalization UUM Press

This volume seeks to introduce and deepen the understanding of Islam and its role in politics as encountered in

different national and transnational contexts in Southeast Asia, eschewing the neo-orientalist approach that has informed public discourse in recent years. In *Encountering Islam*, the book lingers beyond the summary moment and reflects on the multiple impressions, suppressions and repressions, whether coherent or incoherent, associated with Islam as a socio-political force in public life. To this end, it is not adequate simply to represent the divergent identities associated with Islam in Southeast Asia, whether embedded in state-endorsed orthodoxy or Islamic movements that contest such orthodoxy. It is also important to examine religious minorities in political contexts where Islam is dominant and Muslim communities in national contexts where they are minorities. By situating these religious identities within their larger socio-political contexts, this volume seeks to provide a more holistic understanding of what is encountered as Islam in Southeast Asia.

Conceptual Antecedents and Theological Obstacles to the Confucian-Islamic Harmonization of the Tianfang Dianli Oxford University Press, USA

According to several research studies in the last decade there are greater opportunities for development and growth of Islamic financial system because Muslim community is eager to take financial products and they are willing to spend their lives according to their religion. Islamic Finance is a promising solution to SMEs to meet the requirements of formal financing. And can prove particularly effective to facilitate access to finance for SMEs. Although there is a wealth of literature around Islamic finance and around

finance in general for SMEs, literature that draws and connects these two areas together is limited. The purpose of this book is to investigate the opportunities of development and growth as well as the main challenges to Islamic finance for SMEs. This book will help to deepen understanding of the concepts of Islamic finance as well as SMEs. In addition to evaluate how Islamic financial institutions can support SMEs.

The Second Formation of Islamic Law Edward Elgar Publishing

Islamic Finance has experienced rapid growth in recent years, showing significant innovation and sophistication, and producing a broad range of investment products which are not limited to the complete replication of conventional fixed-income instruments, derivatives and fund structures. Islamic Finance represents an elemental departure from traditional interest-based and speculative practices, relying instead on real economic transactions, such as trade, investment based on profit sharing, and other solidary ways of doing business, and aims to incorporate Islamic principles, such as social justice, ecology and kindness, to create investment products and financial markets which are both ethical and sustainable. Products created according to Islamic principles have shown a low correlation to other market segments and are relatively independent even from market turbulences like the subprime crisis. Therefore, they have become increasingly popular with secular Muslims and non-Muslim investors, as highly useful alternative investments for the diversification of portfolios. In *Islamic Capital Markets: Products and Strategies*, international experts on Islamic Finance and Sharia'a

Law focus on the most imminent issues surrounding the evolution of Islamic capital markets and the development of Sharia'a-compliant products. The book is separated into four parts, covering: General concepts and legal issues, including Rahn concepts in Saudi Arabia, the Sharia'a process in product development and the integration of social responsibility in financial communities; Global Islamic capital market trends, such as the evolution of Takaful products and the past, present and future of Islamic derivatives; National and regional experiences, from the world's largest Islamic financial market, Malaysia, to Islamic finance in other countries, including Germany, France and the US; Learning from Islamic finance after the global financial crisis; analysis of the risks and strengths of Islamic capital markets compared to the conventional system, financial engineering from an Islamic perspective, Sharia'a-compliant equity investments and Islamic microfinance. *Islamic Capital Markets: Products and Strategies* is the complete investors' guide to Islamic finance.

The Politics of Religious Identities in Southeast Asia Oxford University Press

By analyzing legislative and judicial actions in a selection of Muslim and non-Muslim States in relation to the rights of the child in criminal matters, this book identifies the possible harmonization between the obligations of international human rights law (e.g. the UN Convention on the Rights of the Child [UNCRC]) and the criminal justice systems within each State, particularly Islamic law (Sharia). The book features introductory chapters on child offenders in criminal law and Islamic law, and country reports (from rapporteurs) on

Afghanistan, Egypt, Lebanon, Iran, Malaysia, Nigeria, Pakistan, Spain, Turkey, the United Arab Emirates, as well as the UK. Among other issues, the book discusses: the definition of 'child' in criminal law * the rights for child offenders under international law (UNCRC, the Beijing Rules, etc.) * the rights of the child under Islamic regional instruments * Islamic law, as it relates to child offenders * the age of criminal liability * the death penalty * the role of the judiciary in criminal cases within Muslim jurisdictions. Theoretical and comparative research methods highlight that the position of Islamic law on the age of criminal liability and the legal rights of child offenders is nuanced, both through the way various ways Islamic criminal law is implemented and the role of the judiciary in expanding the protection of juvenile offenders.

Identification of Issues in Prospect for Harmonization Walter de Gruyter GmbH & Co KG

Approximately fifty articles explore Islamic doctrines, practices, worldviews, culture, aesthetics, science, and the everyday experiences of home, family, and society.

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Exclusion from Protection as a Refugee
Institute of Southeast Asian Studies

The essays in this book highlight the most important ways in which domestic, international, public, and private legal systems interact with each other. The initial essays provide a theoretical overview of the study of legal harmonization—that is, of the nature and character of communication, accommodation, amalgamation, or resistance among legal systems. These interactions occur within horizontal relationships, between political institutions operating at the same level of authority. Vertical relationships between political institutions whose relationships are hierarchical have given rise to different patterns of interaction. New legal orders are being created through the adoption of international legal instruments that may reach nation-states, private entities, and individuals. Each has the potential for significantly affecting the sources of authority over public and private actors. Other essays illustrate the many ways in which communication between legal systems produce very real, if very different, effects across the world.

International Harmonization of Economic Regulation Syracuse University Press

Harmonization of Islamic Law in National Legal System Comparative Study Between Indonesian Law and Malaysian Law Harmonization of Ibf Industry Through Sharia Arbitration and Mediation LAP Lambert Academic Publishing

Text and Material International Monetary Fund

Athenian and Alexandrian Neoplatonism and the Harmonization of Aristotle and Plato by Ilsetraut Hadot deals with the Neoplatonist tendency to harmonize the philosophies of Plato and Aristotle.

Banking Systems Around the Globe Amer. Assoc. for Clinical Chemistry

Understanding the corporation means understanding its legal framework, but until recently the origins and evolution of corporate law have received relatively little attention. The topical chapters featured in this Research Handbook, contributed by leading scholars from around the world, examine the historical development of corporation and business organization law in the Americas, Europe, and Asia from the ancient world to modern times, providing an invaluable resource for both further historical research and scholars seeking the origins of present-day issues.

Criminal Law and the Rights of the Child in Muslim States BRILL

As an introduction to the complex issue of harmonization of legal and regulatory structure of the European financial system and Islamic finance, this is a useful and welcome volume. The ideas, insights and practical issues addressed in the informed papers that compose the book should be valuable for academics and students of finance, and to those

who provide legal and financial services. The book will be helpful also to European regulators who have yet to appreciate the importance of Islamic finance and its potential contribution to financial globalization as well as to European economic growth. Abbas Mirakhor, Former Executive Director, International Monetary Fund, US This timely book examines the authorization of Shari ah-compliant intermediaries as either credit institutions or as investment companies in the European Union. The contributing authors explore the key topics of this area through differing yet parallel perspectives for example, comparing economic and legal standpoints, looking at both European and national levels and considering both academic and technical approaches. The book discusses the common origin of Islamic and Western traditions in commercial and banking transactions, reviewing a period in which the Italian merchants and their organizations drove the rebirth of post-medieval society in trade and law. The editors investigate whether the Islamic banking and financial model complies with the European framework, spelling out the different experiences in single Member States (Germany, France, Italy, and the United Kingdom). Notwithstanding the obstacles to being authorized as domestic credit institutions, they conclude that the access of Islamic intermediaries is suitable and may have positive effects on European integration, as well as increasing the competition among the stand-still operators and evoking the ethical dimension of banking and finance. The book also highlights how Islamic banking would make the industry more inclusive. This multidisciplinary book will appeal greatly to economics and legal scholars with an interest in

European and international banking and financial law, as well as postgraduate students in international law and banking law. Practitioners and regulators will also find this book an invaluable resource.

An Anthropology of Public Reasoning
Oxford University Press, USA

This book examines the challenges of the implementation of Islamic law in Malaysia. Malaysia is a pertinent jurisdiction to explore such challenges given its global focus, colonial history and institutions, and the intersection of the Shari'ah and secularism/multiculturalism. The resultant implementation challenges are underpinned by three factors that make Malaysia an important jurisdiction for those interested in understanding the place of Islamic law in the global context. First, Malaysia is often considered as a model Islamic country. Islamic law is a source of law in Malaysia. The Islamic law legal system in Malaysia operates in parallel with a common law legal system. The two systems of law generally are in harmony with one another. Nevertheless, occasional cross-jurisdictional issues do arise, and when they do, the Malaysian judiciary has been quite efficient in solving them. The Malaysian experience in maintaining such harmony between the two legal systems provides lessons for a number of countries facing such challenges. Second, Malaysia has a

developed Shari'ah court system that interprets and applies Islamic law predominantly based on the Shafi'i school of thought. While, for the most part, the approach has been successful, there have been times when the implementation of the law has raised concerns as to the compatibility of Islamic law with modern principles of human rights and common law-based values. Third, there have been cases where Islamic law implementation in Malaysia has gained global attention due to the potential for wider international implications. To do justice to this complex area, the book calls on scholars and practitioners who have the necessary expertise in Islamic law and its implementation. As such, this book provides lessons and direction for other countries that operate a dual system of secular and Islamic laws.

REVIEW OF HARMONIZATION OF ISLAMIC LAW IN NATIONAL LEGAL SYSTEM A

- A good comprehensive review book. I think it is the best one on the market and recommend it to all of my fellow residents without reservation.
- I read all her books as I can. I did not like the story line in this one much. I do believe in God, and somehow this seemed to make fun of His works. Although I can understand where she was coming from with it. I loved her writing though. She is one of my FAVS