

DEPARTMENT OF FIQH AND ITS ORIGINES

The department was established at the beginning of the academic year 1992/1993 under the title “Al-Fiqh and Islamic Studies”. It was changed into “Al-Fiqh and its origins” as decided by the Deans Council (no. 1/2002) dated on 8/1/2001. It awards BA degree in Al-Fiqh and its origins, in addition to the MA degree in Al-Fiqh. The department is looking forward to establish an MA and PhD program in Al-Fiqh origins, Comparative Fiqh and Al-Ifata’ as one of the university elective courses, and organize annual visits to the Holy places in the pilgrimage season, as a part of training in Al-Fiqh course (2) among the department obligatory courses, in addition to Al-Omra visits.

The department contributes in all university and faculty in activities and local community in religious occasions, school, mosques, Islamic cultural clubs, and Friday ceremonies.

The students contribute in the faculty Open Day, symposiums and specialized courses. The faculty members also take the responsibility of answering all the questions raised by the public in various Islamic issues and have good academic links with the departments in other universities, which lead to a good cooperative relation with the local community and universities.

STUDY PLAN FOR THE BACHELOR’S DEGREE IN JURISPRUDENCE AND ITS FOUNDATIONS

The Department of Fiqh and its Foundations offers a Bachelor Degree in Fiqh and its Foundations upon completion of the following requirements :

The fulfillment of the conditions stated in the By Laws for awarding the Bachelor Degree.

- *University course requirements (as stated earlier). (27Cr.Hr)
- *Faculty course requirements as (stated earlier). (24Cr.Hr)
- *Department course requirements (81Cr.Hr)

1- Faculty course requirements as (stated earlier). (24Cr.Hr)
Cs 101A, Sh Us 110, Sh Fq 111, Sh Us 120, Sh Fq 112, Sh Is 130, Sh Is 200,

2- Obligatory Course (72 Cr. Hr.):

Sh Fq 113, Sh Sq120, Sh Us 121, Sh Us130, Sh Ec 205, Sh Fq 211, Sh Fq 212, Sh Fq 213, Sh Fq 220A, Sh Fq 310, Sh Fq 311, Sh Fq 312, Sh Fq 313, Sh Fq 315, Sh Is316, Sh Fq 319. Sh Fq 320A, Sh Us327, Sh Fq 410, Sh Fq 411, Sh Fq414, Sh Fq 420, Sh Fq 421, Sh Fq 424.

- 2- Elective Courses : (9 Cr. Hr) to be chosen by the student from the following groups as follows:

Sh Fq222, Sh Fq223, Sh Fq224, Sh Us313, Sh Ec314, Sh Fq321, Sh Is322, Sh Fq323, Sh Us337A, Sh Es412, Sh Fq413, Sh Fq426A, Sh Es426, Sh Fq427, 489

List of Courses Offered by the Department of Fiqh and Its Foundations

Course No	Course Title	Cr. Hr
Sh Fq 100	Islamic System	3
Sh Fq 111	Introduction to (Islamic Legislation and its Aims)	3
Sh Fq 112	Fiqh Ibadat (1)	3
Sh Fq 113	Fiqh Ibadat (2)	3
Sh Fq 120	Syntax of Usul – Al Fiqh (1)	3
Sh Fq 211	Marriage Contract in Jurisprudence and Law	3
Sh Fq 212	Jehad and International Relations Jurisprudence	3
Sh Fq 213	Fiqh of Transactions (1)	3
Sh Fq 218	Personal Status	3
Sh Fq 220A	Usul al – Fiqh (Original Recourses)	3
Sh Fq 221	Foundations of Jurisprudence	3
Sh Fq 222	Syntax of Us'ul al – Fiqh (2)	3
Sh Fq223	Electronic Recourses for Islamic Studies	3
Sh Fq224	Rules and Behaviors of Seeking Knowledge	3
Sh Fq 310	Jurisprudence of Oaths, Vows and Foods	3
Sh Fq 311	Invalidators of Marriage in Jurisprudence and Law	3
Sh Fq 312	Inheritance and Estates	3
Sh Fq 313	Fiqh Transactions (2)	3
Sh Fq 315	Government and Administration System in Islam	3
Sh Fq 318	Transactions Jurisprudence in Islamic Fiqh	3
Sh Fq 319	Fiqh of Punishment	3
Sh Fq 320A	Usul al – Fiqh (Extra Resources)	3
Sh Fq321	The Fiqh of Building and Environment	3
Sh Fq323	Fiqh of Muslim Minorities	3
Sh Fq410	Judicature Jurisprudence and Rules of Evidence	3
Sh Fq 411	Comparative Jurisprudence	3
Sh Fq 413	Jurisprudence Theories	3
Sh Fq 414	Textual Study From Jurisprudence and its Foundations Books	3
Sh Fq 420A	Usual AL-Fiqh (Foundations Islamic Jurisprudence) (3)	3
Sh Fq 421	Jurisprudence Principles	3
Sh Fq 424	Contemporary Verdicts and Issues	3
Sh Fq 426	Usual Al-Fiqh (4) Foundations of Islamic Jurisprudence	3
Sh Fq427	Islamic law Procedure	3

DEPARTMENT OF FIQH AND ITS FOUNDATIONS

Course Description

Sh Fq 100 :Islamic System

An introduction to the Islamic System and its principles. A general idea about Islamic Institutions; Islam's view of man, universe and life, how God made man his vicegerent on earth. Islam's distinctive methodology in facing the problems of life.

Sh Fq 111 :Introduction to Islamic Legislation and its Aims

Definition of Fiqh , difference between Fiqh and Shari'a (Islamic Law)

Distinction between Islamic Fiqh and man – made law, phrases of Islamic Fiqh, prominent Fiqh scholars, schools of Hadith and ra'i(opinion) , the Four Imams (leading figures of sunni Fiqh), general idea about sources of Islamic Law, jurisprudential theories , jurisprudential principles and examples thereof, aims of Islamic legislation.

Sh Fq 112 :Fiqh Ibadat (1)

Ritual purity, water, ablution, washing and bathing , tayammum (water – less ablution Prayer: times, Adhan (call for prayer), conditions that make up prayer, supererogatory performances , prostration for individual and collective prayer .

Sh Fq 113 :Fiqh Ibadat (2)

Zakat: definition, rule, legitimate legal evidence, expedition, conditions, Zakat reception and transfer channels of expenditure. Fitr charity , voluntary almsgiving. Fasting : meaning and rules, conditions. Consequences of breaking the fast. Pilgrimage and Umrah (minor pilgrimage) : detailed description of performance.

Sh Fq 120 :Syntax of Usul al - Fiqh (1)

Introduction to syntax and grammar rules, applications in syntax and grammar, syntax and Quran and Sunna, syntax and Fiqh.

Sh Fq 211 :Marriage Contract in law and Jurisprudence

Definition of marriage: rule and commendation thereof , preliminaries of marriage contract. Engagement : definition, kinds of engagement, conditions, renouncement of engagement.. Basic principles and conditions of marriage contract. Effects resulting from marriage : moral rights of husband and wife, material rights.

ShF 212 :Jihad and International Relations Jurisprudence

Definition of jihad, difference between jihad and war, legitimacy of jihad, preparations for fighting, duties of fighters during the war, kinds of warfare (military economic, psychological) termination of war and its effects. International relations in Islam . International relations in peacetime: normal basis of foreign relations in Islam: peace not war, International relations in war: motives of jihad in Islam, wartime and postwar relations, rules of war .

Sh Fq 213 : Fiqh of Transactions / 1

Introduction to transactions in Islam: theory of contracts, origins of Islamic transactions , details of compensation contracts , rules of sale , rules of resignation , rules of invalid sale , rules of

choice , rules of trust sale , , rules, kinds ,and causes of usury , exchange, shufa'a right (right of neighborhood) , rent , division of heritage , power of attorney , gifts, taxes , competition , (with special care to modern transactions relevant to this issue)

Sh Fq 218 :Personal Status

Definition, importance and characteristics of family. Marriage: definition, rule. Effects of marriage contract and marital right . Divorce: rule and rationale of legitimacy.

Sh Fq 220A :Usul al-Fiqh (Original Recourses)

Introduction, definition of the science of Usul al-Fiqh. Its subject, aim, derivation, topics and early beginnings, rule of judgement, kinds comprising obligatory duty, forbidden act recommended act , reprehensible acts, permissible acts. First source of Islamic legislation: The Holy Quran: definition, competence, inimitability, translation. Second source of Islamic legislation: The Holy Sunnah of the Prophet: definition, competence, status, deeds of Prophet Muhammad peace be on him. Abrogation: definition. A general idea about prepositions .

Sh Fq 221 :Foundation of Jurisprudence

Introduction: definition of the Foundations of Jurisprudence Science, subject, aim, topic, early beginning, methods of authorship therein`.

Incidental evidence which comprises dictionary approval. Public interest, preclusion of prohibited matters.

Convention: meaning, kinds, difference from consensus. Continuity of judgement . Practice of the people of Medina and scholar`s views concerning its competence

Ijtihad or independent judgement.

Taqlid : (adoption of the madhab`s legal decision)

Conflict and Preference : meaning and component parts thereof.

Sh Fq 222 : Syntax of Usul al-Fiqh (2)

Zhanna (think) and its“ sisters”, cognate object, causative object, circumstantial phrase, vocatives , accusative of specification, number, engagement, object governed by two transitive verbs.

References: same as previous Course (1).

Sh Fq 223: Electronic Recourses for Islamic Studies

This course is fully computerized it offers an access to Islamic electronic resources: objectives and kinds, internet, documentation of the Islamic data , software : application and documentation, the principles of authorship and its application on Islamic heritage , practical courses , warnings in dealing with digital data of Islamic transitions .

Sh Fq 224: Rules and Behaviors of Seeking Knowledge

Definition of knowledge ; rules , validity , rules , and behaviors , causes and demands , ways of seeking information , self-behaviorism , warnings , books , methodology , direct taking of knowledge from sheikhs , friendship behaviors , student behavior in seeking knowledge , active hardworking , fundamentals of dialogue and discussion , knowledge Zakat and blessings ,dangers of fatwa without good knowledge , dangers of adopting radical attitudes .

Sh Fq 310 : Jurisprudence of Oaths, Vows and Foods

Oaths and Vows and sacrifices; dissimulation in oaths , vows , expiation; Immolation, legal slaughtering. Food Jurisprudence, hunting.

Sh Fq 311 : Invalidators of Marriage in Jurisprudence and Law

Meaning of invalidators of marriage, divorce, component parts thereof in detail, divorce at the instance of the wife who must pay a compensation, separating spouses from each other . Effects of marriage dissolution.

Sh Fq 312 :Inheritance and Estates

Inheritance: legitimacy, rationale, and eligibility for inheritance , nearest relatives , near relatives, seclusion, surplus or deficit of the legacy after Quranic distribution, correction,.

Will obligatory and rationale.

Sh Fq 313: Fiqh Transactions (2)

Study of the following transactions and contracts clarifying its , fundamentals , conditions , rules, and contemporary applications : companies of mudharba or financial loan , farming contracts , watering contracts , the comparison between companies from both the Islamic and civil law's points of view , shared companies , joint companies, and simple shared companies , multi-shared companies , and documentary contracts such as : mortgages , money transactions , power of attorney .

Sh Fq 315 : Government and Administration System in Islam

Basics of government system in Islam. Statehood of Islamic state.

Bay`ah (oath of allegiance): definition, legal basis, nature, discussion of some views related to administration system.

Sh Fq 318 : Transactions Jurisprudence in Islamic Fiqh

Introduction to Islamic transactions in terms of legitimacy and importance in life, murabahah.

Sh Fq 319: Fiqh of Punishment

Introduction to crime and punishment , general punishment law , philosophy of crime laws between islam and civil law , theory of social defense e, doubts and defenses about Islamic punishment law, classification of crimes and its importance , general crime fundamentals, clarifying the following Islamic principles : legality , separation of punishment , personality of criminals , crime punishment responsibility , reasons of permission and justification , conditions of light punishment : introduction to special cases , self crime ,intentional, semi –intentional , non-intentional ,non-self crime , : al hudud : meaning , characteristics , had of robbery , had of heraba, had of adultery , had al kathf , had Al ta'a zaer : definitions , reasons , rules , execution of Islamic legal punishment .

Sh Fq 320A : Usul al – Fiqh (Extra Resources)

Injunction and prohibition, Consensus (ijma`), Analogy (qiyas), Incidental evidence : preference, Unrestricted interest, Preclusion of prohibited matters, Convention: meaning, difference from consensus. Continuity of judgement, competence. Law practiced by our predecessors. A statement or judgement made by a Sahabi : definition and scholars views about it Practices of the people of Medina, Ijtihad (independent judgement) and Taqlid (adoption of the madhab`s legal decisions).

Sh Fq 321: The Fiqh of Building and Environment

Definition of building and environment , rules of building and construction from Islamic point of view , features of building and construction care from quran and sunna point of view ,

environment in writings of jurisprudence (fuqaha'a) , development and protection of environment , contemporary thesis in building and construction , the role of waqf in building and environment protection , psychological health care , pollution , solar energy , environmental design of mosques and cemeteries .

Sh Fq 323: Fiqh of Muslim Minorities

Overview on geographical locations of Muslim minorities and its main problems , characteristics of Muslim minorities fiqh : recourses and fundamentals , applied models on fiqh Muslim minorities such as : worships , transactions , personal cases , slighting , social and political relations .

Sh Fq 410 :Judicature, Jurisprudence and Rule of Evidence

Introduction about the legitimacy of judicial system in Islam, importance of this system in establishment of justice, study of the verdicts, adjudication and evidence of proving the case.

Sh Fq 411 :Comparative Jurisprudence

Introduction to studying the problems of comparative jurisprudence including: Schools, jurists and their differences; Ijtihad (independent judgement), differences between ijthihad and qiyas (analogy).Taqlid (Adoption of tradition) : definition , judgement, fabrication; Ifta (giving a fatwa i.e. a religious legal opinion): required characteristics of a mufti.

Sh Fq 413 :Jurisprudential Theories

The Department chooses a theory of Islamic Jurisprudence for detailed study e.g. the Sovereignty; theory in Islamic political thought , theory of contract; crime theory, guaranty theory , contingency theory , the theory of right , property theory etc.

Sh Fq 414 : Textual Study From Jurisprudence and its Foundtions Books

The Department chooses for detailed study selected texts from books of the four schools in Islamic Jurisprudence and foundation Books.

Sh Fq 420A : Usual AL-Fiqh (Foundations Islamic Jurisprudence)

Verbal subjects and explanation of the kinds of formulation within different contexts. Explication : definition , contradiction.

Sh Fq 421 Jurisprudential Rules

Definition of jurisprudential principle, its difference from Usul al-Fiqh, a brief historical survey of formulating principles during the period of Islamic jurisprudence .

Sh Fq 424 : Contemporary Jurisprudence verdicts and Issues

Study of a set of modern issues medicine, transaction, economics, Ibadat, and personal status.

Sh Fq 426: fiqh recourses (contradiction and agreement)

Definition of contradiction and agreement , related terminology , contradiction classification ,kinds , conditions , fundamentals , places , rule ; contradiction cases , defending of contradictions , agreement and compatibility between of contradictory texts : conditions and ways , agreement : definition , place , conditions , judgment and agreed- upon evidences , and evidences of agreed-upon contradiction cases .

Sh Fq 427: Islamic law procedure:

Law procedures: identification position between other subjects, significance , classification of criminal, civil and personal judicial law procedure , previous procedures , condition accompanying procedures , following procedures , and Islamic legal execution .

STUDY PLAN FOR MASTER’S DEGREE PROGRAM IN FIQH AND ITS FOUNDATIONS

Thesis Track:

The Department offers Master’s degree in Fiqh after the fulfillment of the following requirements:

1- Completion of the remedial courses recommended by the department.

2- completion of 24 credit hours course distributed as follow:

a. Obligatory courses (15 Cr. Hr.) as follows:

Course Symbol and Number	Course Title	Cr.Hr
Sh Fq 601	Marriage and Divorce in Islamic Fiqh	3
Sh Is 601	Foundations and principles of Islamic Education	3
Sh Fq 602	Transactions In Islamic Fiqh	3
Sh Fq 606	Qiyas (Analogy) and controversial evidence – Comparative Study.	3
Sh Fq 607	Contemporary Jurisprudential Issues.	3

b. Elective courses (9 Cr. Hr.) chosen from the following courses:

Course Symbol and Number	Course Title	Cr.Hr
Sh Fq 603	Term Denotation of Rules	3
Sh Fq 604	Rules of Evidence in Islamic Jurisprudence	3
Sh Fq 605	Specialized Study in Islamic Criminal Law	3
Sh Fq 610	Fiqh al -Ibadat (religious observances jurisprudence)	3
Sh Fq 611	International Relations in Islam	3
Sh Fq 612	Financial System in Islam	3
Sh Fq 613	Civil Law Jurisprudence	3
Sh Fq 614	Aims of Islamic Shari’a	3
Sh Fq 615	Faqihs’ (jurists) Methodology in Deducing Judgements	3
Sh Fq 618	Property Rights :Fundamental and Supplementary	3
Sh Fq 619	Rules of Waqf (religion endowments) in Islamic Fiqh	3

3. Presenting and successful defending of a thesis (Sh Fq 699) (9 Cr. Hr.)

4. Successful Passing a placement test in English Language.

5. Successful Passing a test in Arabic Language (For non- Arabic Language Speakers).

B. Comprehensive Exam Track:

The Department offers a Master Degree in Fiqh and foundations (comprehensive exam option) after the completion of the following requirements.

1- completion of (33) credit hours distributed as follow:

A. Obligatory course 21 Cr. Hr.) Distributed as follow:

Course Symbol and Number	Course Title	Cr.Hr
Sh Fq 601	Marriage and Divorce in Islamic Fiqh	3
Sh Is 601	Foundations and principles of Islamic Education	3
Sh Fq 602	Transactions In Islamic Fiqh	3
Sh Fq 603	Term Denotation of Rules	3
Sh Fq 606	Qiyas (Analogy) and controversial evidence – Comparative Study.	3
Sh Fq 607	Contemporary Jurisprudential Issues.	3
Sh Fq 617	Scheme of Graduation	3

B. Elective Courses (12 Cr. Hr.) Chosen from the 600 level courses offered by the Department.

Course Symbol and Number	Course Title	Cr.Hr
Sh Fq 604	Rules of Evidence in Islamic Jurisprudence	3
Sh Fq 605	Specialized Study in Islamic Criminal Law	3
Sh Fq 610	Fiqh al -Ibadat (religious observances jurisprudence)	3
Sh Fq 611	International Relations in Islam	3
Sh Fq 612	Financial System in Islam	3
Sh Fq 613	Civil Law Jurisprudence	3
Sh Fq 614	Aims of Islamic Shari'a	3
Sh Fq 615	Faqihs' (jurists) Methodology in Deducing Judgements	3
Sh Fq 618	Property Rights :Fundamental and Supplementary	3
Sh Fq 619	Rules of Waqf (religion endowments) in Islamic Fiqh	3

2- Completion of the remedial courses recommended by the Department.

3- Successful passing of the Comprehensive Exam. (Sh Fq 698).

4- Successfully Passing a placement test in English language .

5-Successfully passing a test in Arabic language (for non Arabic language speakers).

LIST OF GRADUATE COURSES OFFERED BY THE DEPARTMENT OF FIQH AND ITS FOUNDATION

Course Number	Course Title	Cr.Hr
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Sh Fq 601	Marriage and Divorce in Islamic Fiqh	3
Sh Fq 602	Transactions In Islamic Jurisprudence (Fiqh)	3
Sh Fq 603	Term Denotation of Rules	3
Sh Fq 604	Rules of Evidence in Islamic Jurisprudence	3
Sh Fq 605	Specialized Study in Islamic Criminal Law	3
Sh Fq 606	Qiyas (analogy) and Controversial Evidence–Comparative Study	3
Sh Fq 607	Contemporary Jurisprudential Issues	3
Sh Fq 610	Fiqh al -Ibadat (religious observances jurisprudence)	3
Sh Fq 611	International Relations in Islam	3
Sh Fq 612	Financial System in Islam	3
Sh Fq 613	Civil Law Jurisprudence	3
Sh Fq 614	Aims of Islamic Shari'a	3
Sh Fq 615	Faqihs' (jurists) Methodology in Deducing Judgements	3
Sh Fq617	Scheme of Graduation	3
Sh Fq 618	Property Rights :Fundamental and Supplementary	3
Sh Fq 619	Rules of Waqf (religion endowments) in Islamic Fiqh	3
Sh Fq 698	Comprehensive Exam	0
Sh Fq 699	Thesis	9

COURSE DESCRIPTION

Sh Fq 601 : Marriage and Divorce in Islamic Fiqh

In-depth study of some marriage and divorce topics vis a vis the Jordanian Personal Status Law and comparative law.

Sh Fq 602: Transactions In Islamic Jurisprudence (Fiqh)

Introduction to basic principles of Islamic transactions with an in - depth study of a special subject and special emphasis on contemporary transactions.

Sh Fq 603 : Term Denotation of Rules

Terminology and rules followed in the principles of deducing judgements according to jurists' methodologies.

Sh Fq 604 : Rules of Evidence in Islamic Jurisprudence

Means of establishment of proofs in Islamic Jurisprudence with special emphasis on some of them as a comparative study with contemporary judicial systems

Sh Fq 605 : Specialized Study in Islamic Criminal law

Study of certain subjects in penal jurisprudence in Shari'a and comparative systems.

Sh Fq 606 : Qiyas (analogy) and Controversial Evidence–Comparative Study

Analogy based on fundamentals , and some controversial evidence such as public interest preference and warding off causes of evil.

Sh Fq 607 : Contemporary Jurisprudential Issues.

Studying certain Jurisprudential issues of the modern time and their application such as insurance, devaluation of currency, lease leading to possession, Resale with a stated Profit, Abortion, Organs plantation and other issues.

Sh Fq 610 : Fiqh al -Ibadat (religious observances jurisprudence)

Study of some topics pertaining to Ibadat and new developments related thereto from taharah (ritual purity) to hajj.

Sh Fq 611 : International Relations in Islam

Principles of international relations in peace and war.

Sh Fq 612 : Financial System in Islam

Basics of finance science in terms of collection and expenditure as related to the Islamic state .

Sh Fq 613 : Civil Law Jurisprudence

Specific subjects in Jordanian civil Law as compared with other laws and how far they are related to Shari'a.

Sh Fq 614 : Aims of Islamic Shari'a

General aims of Islamic legislation in details and the rules related to this science and its fundamentals as decided by the usuli scholars led by al-Imam al-Shatibi.

Fh Fq 615: Faqihs' (jurists) Methodology in Deducing Judgements

Legislation methodologies as followed by leading scholars and (jurists)like those of Abu Hanifah, Malik, al-Shafi and Ahmad.

Sh Fq 618 : Property Rights :Fundamental and supplementary

Property right in general, causes of acquainting, with special emphasis on ownership and Shqf'a. Also, it deals with other rights extended from property rights as the rights of expending physical insurance and patents.

Sh Fq 619 : Rules of Waqf (Endowments) in Islamic Fiqh

Waqf: definition, rules, kinds, conditions, exchange and selling the property of waqf, the effects of waqf institution in different areas of Muslim life.

