

Abstrakt

The position of sharia within the legal systems of Arab states in the Near East

The aim of the thesis is to produce a brief but coherent overview of the position of the Islamic law – sharia – within the contemporary legal systems of Arab states in the Near East. This particular part of the Arab and Islamic world was chosen primarily because of two reasons: First, the necessary condition for a direct research of available sources is at least basic knowledge of the appropriate language – in this case, Arabic. This is also the reason why other states, which are historically and geographically part of the Near East, were excluded here, especially Turkey and Iran. Second: the Near East region was chosen as a complex part of the Arab world. States in the Northern Africa were excluded because their cultural position is different from that of the states in the Near East.

The method chosen to fulfil the purposes of this thesis was to first briefly summarise the contemporary state of the Czech literature specialised in the field of the Islamic law. The second chapter offers a short introduction in sharia, its origin, sources, schools of law, and basic branches and other concepts. The following three chapters deal each with one of the selected three Arabic states: Egypt, Saudi Arabia and Syria. In each of these three chapters first a short history of the country is provided, then its constitutional history with emphasis placed on the position of sharia in the constitution: mentions of Islam, Islamic law, religious courts and other similar concepts. The next part of the chapter concentrates on the position of particular legal branches: the law of personal status (including family law and the law of succession), the law of property and commercial law, and criminal law. A part of each chapter also focuses on the judicial system or possibly constitutional law. Finally, the last chapter deals with other Arabic states in the Near East, concentrating on the position of sharia within constitutions of each of them. Also, the influence of the “Arab spring” on some of the affected states and the position of sharia within their legal systems is described.

The conclusion of this thesis tries to summarise its findings, to point on the fact that some of the branches of sharia have a considerably stronger position than others and to offer possible explanation and direction of new research in this area.