



الجامعة الإسلامية العالمية ماليزيا  
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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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# ABSTRACT

This dissertation aims to present and discuss the development of Oman's judicial system and the codification of its laws, comparing the law as practiced with the theoretical standards of Islamic *fiqh*. The methodology of the study is an analytical historical survey, focusing on significant features of the Omani judicial system from the past until the present. The study consists of four chapters. Chapter One deals with codification, its definition, development, sources and the Islamic ruling concerning it. In Chapter Two the judiciary process is defined and some of its associated rules are discussed. Light is shed upon the history of legal proceedings in Oman before Islam, followed by an examination of the impact of Islam on the process of judicial codification in Oman during the Prophetic era and the era of the Rightly-Guided Caliphs, during which the Madinan Covenant, the first constitution regulating a polity, was issued. This was followed by the Umayyad and Abbasid states, during which the *madhhabs* developed and judicial codification proceeded apace. In Chapter Three the process of Omani judiciary codification during the era of the imams is examined, starting from ١٣٢ AH, when Oman became independent, in conjunction with the establishment of the Abbasid state, a major turning point for the Omani legal system, for it led to cohesion between the imamate and the judiciary. The judges of Oman formed a codification committee which promulgated laws and rulings in accord with the system of Allah. Oman's judiciary system was unaffected by the Ottoman state, for Oman never came under its dominion. Attention is then given to the development of judicial codification in the era of the sultans, which contained provisions for the establishment of justice. This process continued under Sultan Qaboos' leadership, an era of large-scale judicial transformations, more extensive than any in the past, in step with the international process of judicial standardization. This transformation proceeded in two stages: the first from ١٩٧٠ CE to ٢٠٠١ CE; the second from mid-٢٠٠١ till the present. In Chapter Four internal and external factors are examined which affect the codification movement in Oman and the Arab world. These factors are real and will continue to grow and demand attention under the canopy of globalization and will exert pressures for restructuring legal systems and their laws.

## **APPROVAL PAGE**

The thesis of **Mohammed Hilal Nasser Al Maawali** has been examined and is approved by the following;

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## DECLARATION

I hereby declare that this thesis is the result of my own investigation, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and bibliography is appended.

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