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Demurring Time of a Prosecution (Fiqh and Legal Study)

Abdullah M. Rababa'a and Yuosef A. Al-Shurayfeen*

ABSTRACT

This study partially discusses a prosecution as represented by demurring and its resulting consequences. From the defendants view, a demur could be considered as prosecution, if from the defender's view, it is called demur of demur. It was evident that demur has many kinds some of which should be made on specific times.

Muslim jurisprudents had separated demurs into two categories: objective demurring implying abolishment the very prosecution by the plaintiff and demurring by unacceptability. Law commentators, however, added a third category including formality demurring having to do with formal procedures.

Muslim jurisprudents were on disagreement concerning the time of arising formal and objective demurs.

The same case was a many law specialists Muslim fuqah'a and also law specialists divided demurs according to the time of arising it into two types. some are arisen during the prosecution and before taking any judgment, in this case, they are similar to formal demurs not connected with general discipline. The other which are prosecuted before and while replying for the prosecution or at any time of the prosecution, other demurs which are presented after the judgment is taken.

Keywords: Aprosecution Demurring, Considerd of Demurring, Aprosecution Considerd, Aprosecution Resulting, Kinds of Aprosecution.

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