



جامعة نايف العربية
للعلوم الأمتية
كلية الدراسات
العلما

الدعاوى المستعجلة في الفقه والنظام دراسة تطبيقية مقارنة

مبحث مقدم استكمالاً لمتطلبات الحصول على
درجة الماجستير في العدالة الجنائية تخصص
تشريع جنائي إسلامي

إعداد الطالب
تركي بن محمد بن عبد الله البسام

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العام الجامعي
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Department: Criminal Justice

Specialization: Islamic Criminal Legislation

MA. Thesis Summary

Thesis Title: Urgent Law-Suits in Jurisprudence and Regulation, Comparative Applied Study.

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Defence Date: 08/03/1429, corresponding to 16/03/2008

Research Problem: The delay in giving a judgment for some law-suits due of following usual procedures that may lead to loss of right, where the case requires urgency, therefore, jurisdiction should give an urgent judgment, hence, a mayor question which deserves discussion rises “What are the urgent law-suits in Jurisprudence, regulation and mad-made law?”

Research Importance:

Urgent jurisdiction aims to take immediate action to avoid causing harm to and prevent prolonged procedures that take place in the usual jurisdiction. It is essential and indispensable jurisdiction to encounter any surrounding risks resulting from delay in giving judgment. It aims to maintain the rights of plaintiffs if not tackled within this type of jurisdiction.

Research Objectives: The discussion It aims to the following: -

- 1- To Recognize the concept of urgent jurisdiction in the Egyptian jurisprudence, regulation and Law, its specification, characteristics, objectives and the protection it secures.
- 2- To recognize the urgent jurisdiction's condition in the Egyptian jurisprudence, regulations, law and its concept and discretion, and the court of competent jurisdiction in give judgment and the impact of the urgent jurisdiction independence or subordination.
- 3- Statement of types of urgent law-suits in the Egyptian jurisprudence, regulation and law, its definition, conditions and sequences.

Research Hypotheses/Questions :

- 1- What is concept of urgent jurisdiction in the Egyptian jurisprudence, law and regulation, its specifications, characteristics and the protection it secures.?
- 2- What are the conditions of urgent jurisdiction in the Egyptian jurisprudence, regulation and law, its concept, discretion and the court of competent jurisdiction in giving judgment and the impact of the urgent jurisdiction or subordination?
- 3- What are the types of urgent law-suits in the Egyptian jurisprudence, regulation and law, its definition, conditions and sequences.

Research Methodology: An inductive analytic methodology in the theoretic part, by looking for sources of books of jurisprudence and prophet's sayings and systematic and legal references. In the applied part: Choice – choosing of ten law-suits from courts, Saudi board of grievance and the Egyptian Court of appeal to look over the urgent law-suits and analyze their contents in the light of the Islamic legislative and systemic study.

Most Important Outcomes:

- 1- The Islamic Law didn't ignore the role this type of jurisdiction, due to its importance and impact in protecting law, it has juridical fundamentalism that traces to Islamic legislative fundamentals, of which the thought of school of the prophet's followers and the indeterminate interests.
- 2- The urgent jurisdiction is an integral part for the usual jurisdiction, it deals with the part of prolonging of procedures and delay in giving judgment due to procrastination of litigants and bad intention and causing unavoidable harms for other parties, hence, resulting in quick enforceable judgments, putting litigants in temporary positions until giving judgment in the original issue of dispute.
- 3- The discretion of causes urgency in urgent law-suits lies under the court power and discretion for this law-suit only, through the situations surrounding the right.
- 4- There is a difference between urgent law-suits and -- those, where the urgent law-suits are those which meet the conditions of urgency, without touching the right., but the law-suits --- are those which have objective claims, which aims to give crucial judgment in the dispute between litigants.

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الَّتِي فَطَرَ النَّاسَ عَلَيْهَا لَا تَبْدِيلَ لِخَلْقِ اللَّهِ ذَٰلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ () .

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المبحث الرابع

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المبحث السابع

الدعاوى المتعلقة بأجرة الأجير
اليومية

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وَأَتَيْنَهُ أَجْرَهُ فِي

الدُّنْيَا ط () .

فَبَشَّرَهُ بِمَغْفِرَةٍ وَأَجْرٍ

كَرِيمٍ ﴿١١﴾ () .

﴿١١﴾ يَا أَيُّهَا النَّبِيُّ إِنَّا أَحْلَلْنَا لَكَ أَزْوَاجَكَ الَّتِي ءَاتَيْتَ أَجُورَهُنَّ . () .

عَلَى أَنْ

تَأْجُرَنِي ثَمَنِي حِجَجٍ ط () .

﴿١٢﴾ قَالَتْ إِحَدُهُمَا يَتَأَبَتِ

أَسْتَجِرُّهُ ط () . إِنَّ خَيْرَ مَنْ أَسْتَجَرْتَ الْقَوِيُّ

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النتائج والتوصيات

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