This study aims to examine the development of the Arab society and the changes that shaped it in the era of modernity. A special focus, however, is given to Sanhûrî’s Codes for Arab civil laws in the middle of the Twentieth Century. The type of methodology adopted for this research is historical and analytical. It follows a historical method to explore the situation of Islamic law in the Arab countries before the enactment of Sanhûrî’s Codes, with special reference to attempts that have been made to codify the law from the early Islamic age until the time of Sanhûrî and to follow the progress of his project during its revision, performance, and demonstration of its outstanding features by Sanhûrî himself. The study also hinges upon the descriptive-analytical and critical methods to describe and critically analyze Sanhûrî’s Codes for Arab civil laws throughout the various phases it had undergone, to finally come up with a reasonable and justifiable evaluation of Sanhûrî as both a legal professional and architect of several Arab civil codes. The research concludes with some important findings. The most significant is that the works of Sanhûrî were not fully identical. The Iraqi Civil Code became one prototype, the Egyptian Code another. Other Codes distributed between the two models. The proposed revision of the Egyptian Civil Code was a different problem in that the Code was not a version of codified Islamic law, as in Iraq, but in many parts was a direct translation of French Law. It means perceiving a particular environment and circumstance, Sanhûrî felt that a country (Iraq) applying the Majallah cannot receive the same treatment as a country with a Western inspired Civil Code (Egypt). The Iraqi Civil Code is distinguished from its Egyptian counterpart in that it contains a number of provisions of the Majallah that was under revision and due to be replaced. However, it is evident that Sanhûrî extracted laws from more than twenty Western Codes along with the rules and general theories he had taken from the Islamic law.
ABSTRAK

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Registration/Matric No: LHA050002
Name of Degree: Doctor of Philosophy (Comparative Law)
Title of Project Paper/Research Report/Dissertation/Thesis (“this work”):

Sanhuri’s Civil Code for Arab Countries and Its Relevance to Modern and Islamic Laws

Field of Study: Civil Law
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ACKNOWLEDGEMENT

It is pleasure for me to express my sincere thanks to my dear supervisor Assoc. Prof. Dr. Mohd. Khalil Ruslan for his advice and guidance throughout the entire course of this project. My gratitude to all of my lecturers and colleagues for their assistance and suggestions during the preparation of the thesis. My heartiest appreciation for the external examiners, namely Prof. Dr. Khalid M. Abou El-Fadl (UCLA School of Law, USA) and Prof. Dr. Fikret Karcic (Faculty of Law, Sarajevo University, Bosnia and Herzegovina) and the internal examiner Assoc. Prof. Dr. Siti Zaharah Jalaluddin (Faculty of Law, University of Malaya) for their kind readings and suggestions. Special thanks to the library of University of Malaya, libraries of Wheaton College and University of Loyola in the United States of America, library of International Islamic University Malaysia, library of University of Sulaimani, Sulaimani’s Central Library, Awqâf library in Iraqi Kurdistan, library of Yarmuk University in Jordan and library of American Legal Association in Chicago, for their help and assistance during the collection of the data. Finally, I am most grateful to my spouse Dr. Payman A-K. Zangana, my two beloved sons Meer and Amed and my dear daughter Mardeen for their love and encouragement throughout my studies.