

توصيفات برنامج دكتوراه الفلسفة في القانون

(The Comparative Civil Law)

Course type: optional

Course number: (law 790)

Credit hours: 3

Course instructor:

Description of general curriculum: The general curriculum is chosen from the general rules related to the specific curriculum. This will include the definition of private law, the definition of civil law, the contract's types, the definition of binding force of the contract and its elements, the liability arising from personal acts, the liability arising from the acts of others, liability arising from animals and things, etc.

Description of specific curriculum: The specific curriculum of this course includes an in-depth study in English of one or more of civil law subjects with comparison with other laws, such as compensation for unstable damage according to civil liability rules, compensation for damage by ricochet, compensation for moral damage, Joint ownership, insurance against liability, or compulsory vehicle insurance.

(The Comparative Civil Procedure Law)

Course type: optional

Course number: (law 760)

Credit hours: 3

Course instructor:

Description of general curriculum: The general curriculum is chosen from the general rules that govern the specific curriculum. This will include the study of judicial system in the UAE, the definition of civil procedure law and its sources and principles, the rules of jurisdiction, etc.

Description of specific curriculum: The Private curriculum of this course includes an in-depth study in English of one or more of civil procedure law subjects, with comparison with other laws, such as the cassation or the petition of reexamining the cases as means of challenge against judgements, judgments execution, judges litigation.

(The Comparative Commercial Law Course)

Type of Course: Optional

Course No.: (law 711)

Number of hours: 3 credit hours

Instructor Name:

Description of the General Course:

The general course should be determined from the general rules related to the special course, such as: the study of the general provisions in the Corporate Law; in terms of the definition of the company, its characteristics, its elements, types of commercial companies or how they are managed; or the theory of the merchant and the commercial activities, the banking operations or the contract of electronic commerce.

Description of the Special Course:

The Special Course treats in-depth one of branches of the business law. For example, a reading topic should be selected on the bankruptcy rules of commercial companies with the highlight on the draft of the corporate bankruptcy bill and the restructuring of corporate debt, the principle of disclosure and transparency for the corporate governance or the shareholding corporate governance, the protection of the fair commercial competition and the prevention of monopoly practices, the consumer protection, the electronic commerce and settlement of transactions or the compound Murabaha in Islamic banks. The study in the Special course should be achieved through holding a comparison between UAE law and a number of comparative laws.

(The Comparative Constitutional Law)

Type of Course: Optional

Course No.: (law 770)

Number of hours: 3 credit hours

Instructor Name:

Description of the General Course:

The description of the general course includes a study of the general rules related to the subject in the Special Course, such as the definition and general theory of constitutional law, clarifying its nature and distinguishing it from other branches of law. It also includes the study of the sources of the constitutional provisions and the types of constitutions and their origins and terminations. It emphasizes, as well, the methods of preserving the sovereignty of the constitution through a brief statement of the types of control on the constitutionality of law.

Description of the Special Course:

This course covers in-depth some new aspects of constitutional law, such as the constitutional suitcase, through a comparative study between the countries of the Gulf Cooperation Council countries (GCC) and other countries to take advantage of the provisions that is contained in the other systems. Alternatively, the course could study the nature of the political system, whether it is a parliamentary or presidential, with a statement on how to distinguish each system from the other one, and the advantages and disadvantages of both systems. On the other hand, the course may present the electoral systems in the countries of the Gulf cooperation Council (GCC) and compares them to the electoral systems of the other countries, in order to know what these systems may need of add-ons, then singled out a particular study of the United Arab Emirates on one or more of these topics.

(The Comparative Criminal Law)

Course type: optional

Course number: (law 750)

Credit hours: 3

Course instructor:

Description of general curriculum: The general curriculum is chosen from the general rules that govern the specific curriculum, such as the principles of the international criminal justice

system, criminal legitimacy, criminal liability, classification of crimes and its elements, criminal complicity, crimes and their penalties, etc.

Description of specific curriculum: The specific curriculum of this course includes an in-depth study in English of the principles of Criminal Law with comparison with other laws, such as an advance study of principle of legality of crimes and penalties, the right of defense and other principles related to the criminal law. It may also include Cybercrime, Financial Crime and Money Laundering, the international criminal courts created in 2002 and its competence and the history of its creation and development, and the liability and immunities of Presidents of the States.

(The Comparative Private International Law)

Type of Course: Optional

Course No.: (law 780)

Number of hours: 3 credit hours

Instructor Name:

Description of the General Course:

The general course should be determined from the general rules related to the subject in the special course, such as: the study of the nature of nationality - the legal nature of nationality and the acquisition of nationality in comparative law - the right of blood and the right of the territory and the loss of nationality in comparative law - drag and drop and the restoration of nationality in comparative law.

Description of the Special Course:

The course includes the study of one of the advanced subjects according to the comparative legislations on the subject of nationality, such as: the problem of multiple nationality and its absence, the subsequent acquisition of nationality (naturalization) for women and minors and the possibility of granting citizenship on the basis of the right of the maternal blood, as well as to which extent the nationality can be restored; whether it is voluntarily lost or denied. It is also possible to examine the homeland in depth, especially its role as synonym of nationality in solving the problems caused by statelessness. It is also possible to study the legal status of foreigners with a focus on the rights and duties of foreigners towards the state, and the conditions of their entry and residence.

(Selected Legal Readings)

Course type: obligatory

Course number: (law 720)

Credit hours: 3

Course instructor:

Description of general curriculum: The general curriculum is chosen from the general rules related to the specific curriculum. This may include the branches of private law, the provisions of civil liability and its most important principles, the distinction between contractual liability and the tortious liability, etc.

It may also include the branches of public law, such as the principles of the public international law, the elements of a crime, the principle of legality of crimes and its punishments, etc.

Description of specific curriculum: The special curriculum of this course includes a study of a summary of different disciplines, to provide the student with sufficient knowledge of various legal terms and concepts related to different disciplines, such as constitutional principles, crimes and its punishments, the elements of a contract, the contractual liability, the tortious liability, the work injuries, the termination of an employment contract, the commercial activities, the commercial obligations and contracts, the commercial papers, etc..

(أصول الصياغة القانونية والتعليق على الأحكام القضائية)

طبيعة المساق: اجباري

رقم المساق: (law 710)

عدد ساعات المساق: 3 س م

أستاذ المساق:

توصيف المنهج العام: يتضمن المنهج العام التعريف بأركان ومراحل التعاقد، وعناصر الدعوى القضائية، ومضمون الحكم القضائي.

توصيف المنهج الخاص: يتناول المنهج الخاص دراسة معمقة للمحاور الآتية:

أولاً - صياغة العقود: وتشمل: خصائص الصياغة العقدية، وأساليب التعاقد وخصائص كل منها، وكيفية تدارك الأخطاء الشائعة في صياغة العقود، وصياغة عقود الاستشارات الهندسية FIDIC .

ثانياً - صياغة صحف الدعاوى القضائية بحسب طبيعة النزاع ومرحلة التقاضي بما يشمله من فن صياغة المذكرات القانونية باقتدار على اختلاف أنواعها، وأنماط الجمل المستخدمة في صياغة المذكرة،

ثالثاً - التعليق على الأحكام القضائية وتشمل القراءة الجيدة لحيثيات الحكم، ومدى اتساق حيثياته مع منطوقه، ومدى توافق الحكم مع الأحكام القضائية السابقة والاجتهادات الفقهية، والأحكام القضائية المُرسية لمبادئ قانونية جديدة.

رابعاً - الاستخدام الأمثل للغة العربية في التعبير عن الأفكار القانونية - وتشمل الصياغة بين الجملتين الاسمية والفعلية، والاستخدام السليم لعلامات الترقيم.

(إعداد بحث قانوني معمق)

طبيعة المساق: إجباري

رقم المساق: (law 740)

عدد ساعات المساق: 3 س م

أستاذ المساق:

توصيف المنهج العام: يتناول المقرر العام القواعد العامة في أصول البحث العلمي من حيث أسس اختيار موضوع البحث، وإعداد الخطة، وأنواع البحث العلمي، ومنهجيته، وعوامل نجاحه، والمراحل العملية لإعداد البحث القانوني، وأسس ومتطلبات مناقشة البحث.

توصيف المنهج الخاص: يكلف الطالب بإعداد بحث خلال الفصل الدراسي يراعى فيه تناول موضوع مقارن ومتعمق وتراعى فيه قواعد البحث العلمي القانوني. وتجري مناقشة هذا البحث علنا من قبل لجنة يقرها القسم العلمي المعني وتكون مشكلة

من أستاذين أو أستاذين مشاركين على الأقل يكون أحدهما المشرف على البحث.

طبيعة المساق: اجباري
رقم المساق: (law 730)
ساعات المساق: 3 س م
أستاذ المساق:

توصيف المنهج العام: يتم تحديد المقرر العام من القواعد العامة المرتبطة بالموضوع المعمق وهي التعريف بالأنظمة القانونية المقارنة، وأسباب ظهورها، وطبيعتها، ولمحة تاريخية عنها، وفوائد وأهمية الدراسة المقارنة، وطرق المقارنة، والمدرسة الإسلامية (المذاهب الفقهية الإسلامية)، والقانون الروماني (النشأة والمصادر والتقسيم والخصائص).

توصيف المنهج الخاص: ويتضمن الملامح الرئيسية لكل من العائلات القانونية الكبرى المعاصرة وهي: النظام الروماني، النظام الجرمانى، النظام اللاتيني، النظام الأنجلو أميركي والنظام الإسلامي.

طبيعة المساق: اجباري
رقم المساق: (law 700)
عدد ساعات المساق: 3 س م
أستاذ المساق:

توصيف المنهج العام: يتم تحديد المنهج العام من القواعد العامة المرتبطة بالموضوع المعمق في المنهج الخاص، نذكر على سبيل المثال: الرقابة على دستورية القوانين - مسؤولية الدولة عن أعمال السلطة القضائية - استقلال القضاء - العدالة الجنائية.

توصيف المنهج الخاص: يتضمن هذا المساق تقديم دراسة لمفهوم الفلسفة بصفة عامة، والمدخل العام لفلسفة القانون، والعلاقة بين القانون والأخلاق في الفكر الفلسفي، ومفهوم العدالة من المنظور الفلسفي والمفهوم القانوني عند القدماء وعند فقهاء الشريعة الإسلامية، ودراسة فكرة القانون الطبيعي والقانون الوضعي، والواقعية القانونية في الفكر الفلسفي المقارن.