

Taking over the regime a contemporary legal study

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Abstract

The importance of this study is in that it discusses one of the most important issues of legal politics in modern times, the issue of taking over the regime and military coups; due to the disastrous impacts of this issue on the Islamic nation. The study aims to examine and compare the ruling of the person who take over the regime in the Islamic Sharia and law developed by humans, by limiting the jurisprudential opinions, discussing them, analyzing them, and comparing them with the legal provisions in force in Palestine, with reference to the inforce laws in some neighbouring countries.

The study deals with the subject of taking over the regime as a contemporary juristic legal study. The study consists of the introduction, the prelude, three chapters, the conclusion and the glossary. The introduction includes the problem of the study, the importance of the study, the research objectives, the reasons for selecting the subject, the methodology of the study, the previous studies, the research plan. The prelude includes the fundamentals of the Islamic political system, in terms of legalization of the president of the Islamic state, the selection of the president of the Islamic state. The first chapter deals with taking over the regime in terms of its definition, the words related to it and its history, cases of taking over, its types, causes and consequences. The second chapter deals with the military coups, their definition, history, and models of some of them, and then the chapter judged them in terms of validity and invalidity. The third chapter deals with the effects of military coups, in terms of their components and the consequent judicial rulings compared to positive law.

The conclusion presents the most important findings, which are the invalidity of the presidency of the person who take over the regime in Shari'ah and the law. The conclusion also presents some recommendations including that the Islamic nation must take care of its scientist to reject any access to the government in any way inconsistent with the sharia .