

Tax (Zakat) constitution of 1998 and 2005 and as a family inheritance law for Muslims in most Muslim countries

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Abstract: However, according to the actual implementation of the legal punishments, it was noted that the new legislation seems to be more interested in the effective use of limited impact as opposed to the King's supporters rally that characterized the 1983 tests. (Seyed Ahmad, 1997: 220). Although no accurate statistics on the number of stoning, crucifixion, flagellation and amputation compiled between 1989 and 2008 is not available, a summary of Human Rights of 1989 confirms the hypothesis Seyed Ahmad. By strengthening the legitimacy of the regime and drag the boundary line through which other political forces to implement or outside it. (Ahmad, 1997: 222), Islamic law that is well established in many Islamic bill seemingly regime's needs for Islamic symbolism has been achieved. Now Sudan has a legal system that is characterized by high pluralism. This is a common heritage that despite the peaks and valleys of twenty years of efforts clearly evident by two important aspects: Firstly specific rules of common rule is still valid and secondly the new rules dates back to legitimate sovereignty in the context of the organization and the law book. Basically, despite the Bashir's government efforts to isolate that, the Sudanese customary law is still of great importance in rural areas. It is estimated that up to 80 percent of all cases in Sudan have been judged according to the customary law.

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1. Introduction

Resistance in the north and south

Islamic legislation that was introduced by former President Nowmiri strengthened by current President Omar Al-Bashir and South Sudan's non-Muslim minority that mainly lied in and around the capital of Khartoum. Fear of Islamist extremist religious and political identity in relation to the Sudanese intensified opposition armed insurgents in the south from 1983 to 2005. According to Islamic law as the legislative compromises in Naivasha peace protocol was discussed and explained in the interim national law, is a step in the right direction. However, much more complex basic questions such as ownership of a future constitution should include acceptable formulations about democracy, rule of law and the identity of Sudan must engage in it. Certainly, it can be assumed that the main opposition to the current form of Islamic law in the north as well. It was not without reason that the main blow to Islamic legal system more unpopular authoritarian regime arises. Nevertheless during a short-term interruption of democratic (1969 - 1964 and 1981 - 1985), traditional sectarian parties not provide an effective constitution not based on Islamic sharia law to their requests for a

sustainable concepts are interpreted. At the same time acceptable to the majority of Muslim and non-Muslim minority also assures. (Amir Ahmadi, 2013).

Inconsistencies with the Convention on Human Rights

Sudan's obligations according to international human rights law and national legislation based on Islamic sharia and these are contradictory. Sudan's government officials had previously criticized plans to oppose. At a basic level, they maintain their international human rights legislation, such as the ICCPR, Sudan forms an integral part of national legislation and can be claimed before the national courts in Sudan. Another popular argument is that the rights of persons (in an Islamic society) should not it affect the rights of society or the public interest. In other words, the rights of the Muslim community to replace the rights of individuals regardless of international treaties. In addition to this, the Sudanese President Bashir prohibiting the CEDAW while claiming to be a violation of the Sudanese family value.

In fact, this makes the program Islamism and the emergency law in Sudan, in violation of human rights to reach completion and facilitate this and the other

components, the other is the view of the appearance of Islam, the rights religious minorities, women, Muslims and non-official Sudanese regime that is different views. However, many human rights violations in Sudan has nothing to do with Islam and sharia. Islam in this position only as a tool to be used among others to achieve this goal. (Bakenford 2008: 88).

4. Discussions

January 2005 Comprehensive Peace Agreement (PA) between the Sudanese government and the SPLM was supposed to lead the reform of the legal system. A new constitution is a key issue on the agenda and vote are limited to a few changes, CPA, however, not lead to an overhaul of the criminal law. Instead, the administration of any legal reforms that could be made by the opposition or by followers as a gradual withdrawal from the position of Islamic law to delay it. CPA insofar as it can be welcomed by the international community, which provides a gradual approach. To achieve lasting peace in the Sudanese regime in Darfur in West Sudan needs with its rivals and abroad to reach an agreement. Then it is expected that legal reforms interests to consider secular Muslim and non-Muslim minority. For the time being several commissions in the development of the legal reforms have come into existence. The Commission revised national constitution (NCRC) by the CPA provided and members of several political parties have been formed, and over sixty law in conflict with the standards of international human rights law have identified this already on the areas of priority such as the arrested on rape law, the law of witnesses, and security works. Already in 2006 the Standing Committee of the National Legislative Council (parliament homegrown) for the twelve priority areas, among other reforms, including criminal law, criminal procedure laws, and the law of witnesses have chosen. Other measures of the National Action Plan on fighting violence against women in 2005 and the new armed forces (2007) that rape in war as a war crime. In 2009, international crimes such as crimes against humanity, genocide, and war crimes were registered in the criminal law. However, observers doubt whether these changes were registered as a result of effective performance (REDRESS 2009: 37-38). The observers noted that legal reform process have prevented the signing of the CPA, because of lack of transparency, delays and lack of a mechanism that legislative approval of revised forecasts INC and the CPA guarantee, (REDRESS 2009: V).

In a word at the beginning of 2010 is rather disappointing attitude Sudan. Implementation of a comprehensive peace agreement by the North from the beginning has been stopped. But not only CPA

Darfur Peace Agreement and the Eastern Sudan Peace Agreement is not implemented properly. Less than a year to southern self-determination referendum, the referendum is likely to decide in favor of the separation of the south end. The lack of confidence between the two sides of the north-south return to war is taking shape (International Crisis Group 2009: I). These developments serve there a place for Islam in Sudan's legal system is involved. Whether the parties should be clearly separated, an important source of pressure on the Islamic sharia and it will be destroyed. In each case the Islamic Sharia legal system in Sudan is likely to maintain its territory.

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References

1. Author appreciates Professor Abdullah Ahmad An Naeem, doctor Hamd and Fatah al-Rahman and Navah Solomon for reading and commenting on this article, as well as Julie Chadborn to edit precise thanks, Olaf Kandgen has a master's degree in Islamic studies from the free University of Berlin and now is preparing a doctoral thesis on Islamic criminal law in Sudan (University of Amsterdam).
2. estimates of the number of Christians varies widely. Some sources claim that many of the activities of Christian missionaries succeeded percent of the population has increased by 20%.
3. Because of the limitations of research in this area, Baloch 1994: 185-161 and Kandgn 1992: 15 pictures.
4. Ahmadi, Amir (2013), Legality of interest termini in Islamic law, LIFE SCIENCE JOURNAL-ACTA ZHENGZHOU UNIVERSITY OVERSEAS EDITION 10 (1), 745-747.
5. See also revealing dialogue between Hassan al-Turabi and Philip Abbasi Gubash in An Naeem (1985: 329).
6. A small minority preferred to separate and stabilize their organization, this splinter group called themselves The Muslim Brotherhood while the majority was organized as the National Islamic Front, led by their political leader Hassan al-Turabi.
7. only in 1983, about 640/000 immigrants from Ethiopia, Uganda and Chad into Sudan. See Abdulrahim 1989: 284.

8. Warburg 2003: 187 stresses that Nowmiri Turabi denies, so that he does not claim credit for Islamic law.
9. Penal Code 1983 hadd punishment for crimes, indicating that as much to the contrary, but not definitions coating system (Kandgn 1992: 440-42).
10. during a period in prison from 1948 to 1946, Taha legal theory by publishing a liberal version of Islam developed Sharia, which was consistent with the needs of modern society. Taha judicial aspects of the visit as -Nym 1986. Taha and his special perspective in Rvgalsky 1990: 121-59 see.
11. See the discussion for example in the case of Taha - new martyr Sudan to the Middle East in February 1987.
12. See Monitor Sudan (Sudan control), December 1990, Volume I published 6.
13. The election was a hit for the DUP only 63 seats in the 101 seats it had won in 1968 and won. Uma instead of the 72 seats in 1968 to 100 seats went up. See also kak 1995, 49-43.
14. For example, Article 1989 Los cher tines and others see as "Islamic Sharia law in Sudan), in Islam and in the Saharan Sudan 3.
15. flagellation that the laws were implemented immediately in September, the punishment was too limited.
16. In an interview with al-Turabi's son Siddiq Hassan al-Turabi was confirmed that his imprisonment was meant to hide his involvement in the coup. Personal conversation with Siddiq Hassan al-Turabi on January 10, 2004.
17. This in an interview with a lawyer at the Institute of Legal Education and Information in Khartoum on 8 January 2004 was confirmed. However, according to the same source, three women were named to the position as a judge in January 2004.
18. See the BBC News Online, Turabi the strong man of Sudan was arrested on February 21, 2001. See the BBC News Online, Sudan's Islamist leader, was released on October 13, 2001.
19. See <http://www.reliefweb.int/library/documents/2005/govsud-sud-i6mar.pdf>.
20. Hyldberg- Based Max Planck Institute for comparative Public Law and international law (MPI) is basically to prepare a constitution within six protocols for content helped separate peace. However, MPI framework of the draft constitution for the interim period was not accepted by the Sudanese government. Subsequently, the Government of Sudan against the wishes of the SPLM, MPI removed from the process and instead rely on their legal experts. Seethis site http://www.qantara.de/webcom/show-article.php/_c-476/_nr-593/i.html. The draft MPI is available for download on this website.
21. See this site <http://www.cushcommunity.org/constitution.pdf>.
22. For the full text of interim constitution 2005 visit the Max Planck Institute website http://www.mpil.de/shared/data/pdf/inc_official_electronic_version.pdf.
23. execution of Taha in 1985 so far as I know, the only known execution for apostasy in Sudan in the field of religion.
24. non-Muslim university graduates have difficulty finding a government job. Christian secondary school students were not allowed to finish their compulsory military service because they were present in the church (the Ministry of Foreign Affairs of America, 2003). This is a crisis because students who have not completed their military service are entitled to study at universities. Numerous reports as well as the punishment imposed for Christians. In addition, while Muslims may invite non-Muslims to their religion, proselytizing among Muslims actually gone, since apostasy is punishable by death Muslims.
25. The new legislative assembly was formed, whose members were selected in mid-2005 of two chambers: the National Assembly (parliament homegrown), the House of Commons and the House of government (provincial parliament), the House of Lords. The National Assembly consists of 450 members is given to the former rebels and other opposition political parties to introduce. Governing Council consists of 50 members. These are directly elected by the Legislative Assembly.
26. For more details about the Dnyka law, refer to Mack 1986 (idd): the period after the divorce occurs, during which remarriage is forbidden because it ensures that a woman by his ex-wife been pregnant.
27. After the fall of Nowmiri in 1985 none of the military and civilian governments were abolished following the Islamic Penal Code, which was introduced in September 1983. The draft did not win much support in Parliament.
28. For a detailed comparison between the legal punishment as criminals in the act (1991) and the traditional Islamic law (Jurisprudence) is defined, to see Scholes 200.
29. The definition of paragraph 79, CA91 about alcohol, including sales, purchase, transfer and

- possession with the purpose of dealing with others.
30. The case of Ms. Mohammed Abdullah (1985) and Babyker Amina Ahmed (1985) See report in the journal and the journal was published the same year Sudan. (SLJR).
 31. The case of Mary M. Solomon (1989) and Kaltoum Jbna (1992) See report in the Journal and the Journal of Sudanese law was published in the same years. Analysis of Syed Ahmad 2000 compare.
 32. The concept of (good and good) derived from Islamic criminal law here for Sudanese citizens who live in areas that have been exempted from the operation of Islamic law is used.
 33. For the law of contradiction as 2005, chapter 505 of the constitution pictures.
 34. Also paragraphs 35-30 to compare: In the case of multiple campaigns, the reasons for sending money to punish, and the relatives of victims who are entitled to remittances.
 35. The first projections are applicable if the defendants impose, or vice versa member of the relevant legislative decision. Criminal Acts (1991) Comparison (3) 5 to compare.
 36. In October 1996 by the Council of State Khartoum State as public order was approved in 1996 to its original form. Khartoum state of public order was valid only in the Khartoum government. Similar laws in other states of Sudan was officially announced. See Also SIHA (2009): 10 - 9.
 37. During my meetings in 2004 and 2009, I observed that this prediction was not practical in Khartoum.
 38. A case that drew much attention from the Western media, was arrested Lubna Hussein, a Sudanese famous journalist. In a restaurant with twelve other women was arrested for wearing pants. However, in accordance with Article 152 of the criminal law against Hussein (1991), an indictment was issued not by the social security rules, see SIHA 2009: 6- 5.
 39. At this stage builder of Islamic banking in Sudan before 1983, some banks took the newly established Islamic her name without offering interest-free banking (Stinson a 2004: 157).
 40. For a discussion of Islamic financial comparisons as in Sudan used to refer to Stinson b 2004: 89 - 80.
 41. It should be noted that the Sudanese government to accept foreign loans without interest.
 42. See for CEDAW to <http://www.un.org/womenwatch/daw/cedaw/reports.htm#s>, See site for CAT http://www.treaties.un.org/pages/viewDetails.aspx?src=TREATY & mtdsg_no=IV-9 & chapter=4 & lang=en.
 43. INC clearly states that the rights described in Chapter II (Guide to Principles and Guidelines) is itself not applicable in a court of law (paragraph 220). For a more detailed review of the interim national constitution in 2005 refer to the observations of the transitional constitution, Sudanese Human Rights Quarterly 20 (January 2006).
 44. See, for example, freedom of expression (Article 38) Franchise (Article 41) and the right to private property (Article 42).
 45. Conflict between the Sudanese criminal law and human rights, see REDRESS 2008.
 46. According to the State in 2008 who had been convicted for crimes related to alcohol were released, see. REDRESS in 2008: II.
 47. For example, Jordan, Iraq, Syria, Algeria, Yemen, Kuwait and other countries, see Krueger, 1997. Evidence for the importance of the Egyptian civil law for lawyers Sudan's Khartoum-book store. While the existing legal literature, commentaries on Egyptian books are plentiful.
 48. Should the rules of the current regime named. It should be noted in systematic research on the impact of the legislation Sudan's Islamic law there from 1989 until now.
 49. Interview with High Court judge Khartoum on January 6, 2004.
 50. International Human Rights in Sudan by a lawyer before the court was claimed by Sudan. See personal conversation areas Solomon, University of Chicago in April 2004. However, aware of trying to succeed.
 51. To evaluate the current legal reform projects, see REDRESS, 2009.
 52. Ahmadi, Amir (2013) The nature and expression of right and it's division, International Journal of learning & development, June, vol (3), no (3), pp.138-147.

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