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Master Thesis Defense

Entitled

The Subject Matter of the Mortgage of Movable Property without Possession in
Islamic Fiqh and UAE Law

By

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Abstract

This study treats the subject matter of the mortgage of movable property without possession in Islamic Fiqh and UAE law in the light of the Mortgage of Movable Property without Possession No20 of 2016. It showed the condition that must be met in the subject matter of mortgage of movable property without possession in Islamic Fiqh and UAE law. I defined the movable property which subjects to the mortgage without possession in UAE law and its characteristics. Also, I explained the rule of exclusion possession of the mortgaged property and its application in Islamic Fiqh and UAE law.

The most important results that have been reached are that the 2016 Law allows the mortgage of material moral and future properties without possession. It has stipulated special conditions that must be met in mortgage should movable property. One of the conditions is that the mortgage subject-matter should be movable of should be specified in detail. A mortgage without possession is found in the Islamic Fiqh regarding mortgage. Accordingly, some of the Islamic schools of Fiqh adopt the rule of exclusion of possession the mortgaged property. Therefore, I suggest that the Legislation should add a condition which is the stipulate that the mortgaged property should be sellable. Also, we suggest adding a new article in the Regulations applying the 2016 Law to determine the description of future mortgage property.

Keywords: Federal Law No. 20 of 2016 on the mortgage of movable property, mortgage of movable property, mortgage without possession, mortgage without possession in Islamic Fiqh.