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2007- 1428 :

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Jurisprudent Adaptation of Work Contract

*Mahmoud Jaber and Ali Abu-Al-Ez**

ABSTRACT

Contract of work is one of the most commonly used and indispensable business contracts, by which the poor and bare handed working class can guarantee their rights and get paid to meet their basic needs, such as food, clothing and shelter.

On the other hand, contract of work is a very essential instrument for employers generally the rich and powerful class who do not have enough time to run their businesses by themselves, or do not have the ability to accomplish such works due to lack of knowledge in various fields of industries and careers. Therefore, contract of work is deemed to be a means for the investment and upgrading of businesses.

The work contract, as a contemporary term, matches up the laborer contract in the Islamic jurisprudence. Time is the most accurate element to distinguish this contract from other contracts in terms of the work performed by human being, in view of the fact that it is a basic criterion that determines the amount of work upon which the benefit and liability rely. The legal responsibility, as the most important criterion in distinguishing an employment contract, is a means to achieve its Islamic legal objective. Legal responsibility does not require emphasis or regarded as an essential element because time as a criterion is more than enough in this regard.

In this research, the researcher has shed light on the basis upon which the adaptation of the work contract is built in terms of Islamic and legal point of views.

Keywords: Contract of Employment, Labor Law, Civil Law, Time Criterion, Liability.

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