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Title	Land, property and user's rights according to Islamic-Ottoman reforms in Iraq
Authors	Al-ossmi, Laith Hady and Ahmed, V
Type	Conference or Workshop Item
URL	This version is available at: http://usir.salford.ac.uk/39240/
Published Date	2016

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Land, Property and User's Rights according to Islamic-Ottoman Reforms in Iraq

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Abstract

There has been an increasing interest from architects and urban planners in the local /traditional regulations influence, particularly for land, Property and user's rights issues. It is worth noting here that in Islamic countries, land, property and users' rights are ruled and protected according to permit forms controlled by the specific religious contexts. In the case of Iraq, the Islamic administration of users' rights in related to land has itemized during the Ottoman period in the 15th century and finished in the 20th. The objective of this research is to produce a body of material, a closer look at the Ottoman law which could enhance the real influences of this period on Iraqi administrations. This paper offers, therefore, the basic opportunity to revisit elementary principles regarding the Islam Ottoman period in Iraq. Prior work, however, has focused extensively on the historical and on certain aspects in recent systems of Iraqi law. This article showed that Iraqi current administration of land, property and users' rights is still influenced by regulations that were established during the Ottoman period. It concludes that the reform of the Iraqi institutional framework can be held by social-religious and political factors which potentially offer opportunities for the development of 'authentic' Islamic ownership tools which can support the campaign for the realization of fuller land rights for various sections of Muslim societies.

Keywords: Land, Tenure Security, User's Rights, Islamic-Ottoman Reforms, Iraq.