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Legal Education Reform in Saudi Arabia: A Case
Study of Taibah University

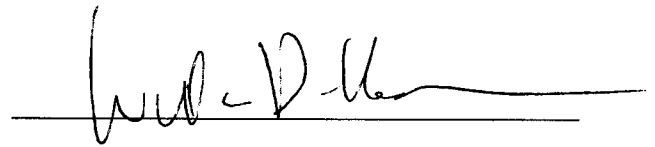
Rayan Alkhalawi

Submitted to the faculty of Indiana University Maurer School of
Law, Bloomington in partial fulfillment of the requirements for the
degree: Master of Laws

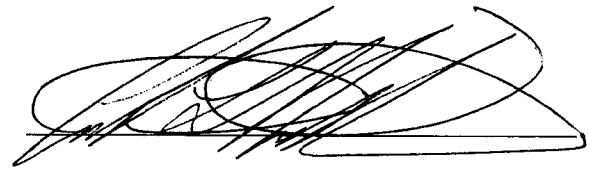
May 2015

Accepted by the faculty, Indiana University Maurer School of Law, in partial fulfillment of the requirements for the degree of Master of Laws- Thesis.

Thesis Committee Members:

A handwritten signature in black ink, appearing to read "William Henderson", written over a horizontal line.

Professor William Henderson

A highly stylized, cursive handwritten signature in black ink, written over a horizontal line.

Professor Catherine Matthews

This Thesis is dedicated to *Gabrielle L. Goodwin*, for her endless support and encouragement.

TABLE OF CONTENTS

Introduction	1
Statement of the Problem	6
I. Background	8
A. Background of Legal Education in Saudi Arabia	8
B. Legal Market and Career Options	11
1. Judge.....	12
2. Prosecutor	15
3. Lawyer.....	16
4. Law Professor	17
II. Case Study: College of Law at Taibah University	19
A. Background	19
B. The College of Law Vision, Mission Statement, and Objectives	19
C. The College of Law Faculty, Courses, and Academic Sections	21
1. The Administration and Faculty of the College	21
2. The Courses of the College.....	22
3. Academic Sections of the College.....	24
III. Analysis	26
A. Students	26
1. Undergraduate Degree.....	27
2. Admissions Criteria	29
3. Student Body	30
4. Student-to-Professor Ratio.....	31
B. Curriculum	33
1. Law and Fiqh courses	34
2. Books and materials.....	36
3. Teaching style and methods	38
4. Doctrine versus practical and legal skills.....	39
5. Teaching skills	40
C. Professors	42
1. Law Lecturers	43
2. Scholarship Program.....	44
3. Foreign Professors	45
4. Professors and practical experience	47
D. The College of Law Environment	49
1. The Building.....	49
2. Students activities	51
3. Career Services	52
Conclusion	54
References	56

INTRODUCTION

I have spent the past ten years of my life in law schools. During that time, I was exposed to different methods of legal education and experiences. My journey with law schools started when I was an undergraduate student at King Abdulaziz University in Jeddah, Saudi Arabia where I studied Saudi law in Arabic. Later on, I went to Michigan State University in Lansing, Michigan for an LL.M. degree.¹ Studying in the United States was a unique and rich experience— not only was the language and legal system different but so was the legal education.

After Michigan State, I joined the LL.M. program at Indiana University in Bloomington, Indiana where I started a new law degree with a new perspective. For the first time, I started to think about law classes not only from a student point of view, but also from a professor's point of view. I am pursuing my higher education degrees, LL.M. and S.J.D., not only to become an expert in a specific area of the law, but also to learn the best method of becoming an effective professor who can prepare his students for the best opportunities in the field.

Since I joined the faculty at the College of Law at Taibah University in early 2012 and started my education in the United States soon after that, I did not have a lot of experience teaching law and interacting with students. In writing about legal education reform, therefore, I am using my experiences as a student in different law schools to

¹ During my LL.M. degree at MSU I received an offer to join the faculty at the College of Law at Taibah University, so I did not complete that LL.M. degree. The College of Law, however, is supporting me to finish my higher education to go back and teach law to undergraduate students.

inform and support this thesis. In other words, this thesis is placing legal educators at the College of Law in the students' shoes to offer a different perspective on legal education.

This thesis also aims to open the door for legal educators in Saudi Arabia in general, and my colleagues at the College of Law especially, to rethink our legal education as an area for academic research and examination. Self-criticism is essential for legal educators at the College of Law as we prepare our students for a competitive market. This thesis also opens the discussion for evaluating and assessing the Bachelor of Laws program offered by the College of Law and its effectiveness in preparing graduates in today's competitive legal market.

Several different aspects have led to the increased competition within the legal market. First of all, as the legal field gains more respect and trust by the public, more sharia graduates are becoming legal professionals mostly as lawyers. Moreover, many judges in general courts and administrative courts are resigning and joining the legal market as lawyers in the country where the financial incentives are greater.² To illustrate, the number of licensed lawyers has increased from 2,115 in September 2012,³ to 3,032 lawyers in 2015.⁴ Furthermore, the King Abdullah Scholarship Program has been supporting hundreds if not thousands of law and sharia graduates to pursue their higher

² Feda Albedaywi, *Alqudah yotalbon be tafe'eel laehathem*, (Feb. 26, 2015), <http://alhayat.com/Articles/7228960/الامحالكومتعزيزالوظيفيئلةائحتهمببتفعل-يطالبون-قضاة> [Arabic].

³ *Almohama mehna nashea fe almojtama'a al Saudi*, ALARABIYA (Sept. 20, 2012), <http://www.alarabiya.net/articles/2012/09/20/239083.html> [Arabic].

⁴ *Altasreh le (10) Mohamiat yarfa'a aladad le (42)*, AL-JAZIRAH (Mar. 20, 2015), <http://www.al-jazirah.com/2015/20150320/ln9.htm> [Arabic].

education degrees abroad. The program was launched in 2005 and is set to run for twenty years with law as one of the main areas of study.⁵

Therefore, it is our responsibility as legal educators at the College of Law to ensure that our students are equipped with the necessary skills to be qualified, well-rounded applicants for the best opportunities in the Saudi legal market. This process should start by paying close attention to the issues in legal education and studying the trends in competition within the Saudi legal market.

This thesis can be also used by legal educators around the world who are interested in understanding the Saudi legal education system since there is little research on the topic, especially in English.

The main question this thesis discusses is whether or not the current program at the College of Law at Taibah University prepares graduates for the opportunities available in the legal market. And if not, how it could do a better job of making the program reach its full potential to provide the best available education to its students.

This thesis is divided into three main parts. Recognizing the importance of the legal system in Saudi Arabia, which has deeply influenced the legal education system, Part I of this thesis starts by describing the overall structure of the Saudi legal system including a brief history of the legal education system, the court system, and the legal market for students after graduation.

Part II offers a complete description of the College of Law at Taibah University. It begins with a brief background on the College and its founding. Next, this part states

⁵ *Barnamej Khadim Alharamain Lel Ibteaath Alkhariji*, ALSHARQ ALAWSAT (April 26, 2014), <http://archive.aawsat.com/details.asp?section=4&article=769777&issueno=12933#.VUqiPKWhL8F> [Arabic].

the school's vision, mission statement, and objectives, which are supposed to shape the purpose of founding the College of Law. Lastly, Part II explains the administration, faculty, courses, and academic sections at the College of Law.

Part III analyzes the College of Law by examining four main elements: students, curriculum, professors, and environment. It is important to acknowledge that the legal degree offered at the College of Law is an undergraduate degree, which affects admissions criteria, the student body, and the student-to-professor ratio. Next, the curriculum is examined by presenting the courses, materials, and teaching style and methods. After that the role of professors is examined. The role of law lecturers, lecturers' scholarship program, foreign professors, and practical experience are assessed. Last but not least, Part III examines the College of Law environment, which includes the building, student activities, and career services.

I conclude in this paper that the current Bachelor of Laws program at the College of Law at Taibah University does not prepare graduates for the best opportunities available in the national and international legal market. Although the Bachelor of Laws program satisfies the academic requirements for almost all legal jobs, it does not fully equip students with the necessary legal and personal knowledge and skills needed to succeed in a competitive market.

The College of Law should implement several changes to its current program that will not only prepare students to succeed in the legal market, but will also make the College of Law graduate a highly competitive applicant to the best opportunities nationally and internationally. In order to achieve this high standard of legal education,

the College of Law should improve and develop its four basic elements of education: students, curriculum, professors, and environment.⁶

The College of Law should also have an interactive, dynamic relationship with the legal market especially on the national level, which will provide a valuable opportunity for students to practice, and for the College to get feedback from a professional point of view.

Finally, the College of Law should open the dialogue for analysis and research in its practice of legal education to motivate professors not only to spot issues, but also to find solutions which will ensure that the College of Law prepares its graduates for the best opportunities in the national and international legal market.

⁶ Based on the Taibah University strategic plan, which divides education into four elements: students, curriculum, professors, and environment. For more details, *see* <https://www.taibahu.edu.sa/Pages/Alwaad/Details.aspx>.

STATEMENT OF THE PROBLEM

Saudi Arabia has a unique legal system that combines Islamic law, which is also known as Sharia, and modern written laws and regulations.⁷ This combination has led to confusion in the legal system including legal education. Currently, legal professionals graduate either from Sharia or Law schools, which teach different curricula resulting in professionals with different backgrounds and perspectives of the law. In practice, while both law and sharia graduates are eligible to practice law in the country as lawyers,⁸ law graduates are not qualified to be judges.⁹ International law firms and major companies, on the other hand, prefer to hire law to sharia graduates.

Since the core of the current problems in legal education are caused by the overall confusion in the legal system, a true, effective improvement in legal education cannot be reached without an overall reform of the legal system. Such a reform requires radical changes that are beyond the scope of law schools. This thesis, however, offers immediate, easy to implement recommendations that a law school such as the College of Law can apply to its current program in order to offer the best possible legal education under the current system. In other words, this research intends to focus only on law schools and the role they play, and could play, in preparing graduates for the best opportunities in the legal market nationally and globally.

⁷ Article 48: The courts shall apply to cases before them the provisions of Islamic Shari'ah, as indicated by the Qur'an and the Sunnah, and whatever laws not in conflict with the Qur'an and the Sunnah which the authorities may promulgate. Basic Law of Governance Royal Order No. (A/91) 27 Sha'ban 1412H – 1 March 1992 Published in Umm al-Qura Gazette No. 3397 2 Ramadan 1412H - 5 March 1992.

⁸ Nezam Almohama, [Advocacy Law] Royal decree No. (M/38) 28 Rajab 1422 [15 October 2001] art. 3 Umm Al-Qura No. 3867 – 17 Sha'ban 1422, [2 November 2001].

⁹Nezam Alqada, [The Law of the Judiciary], Royal Decree No.(M/64) 14 Rajab 1395 [23 July 1975] art. 31 Umm Al-Qura No. 2592 – 29 Sha'ban 1395, [5 September 1975].

In addition to their lack of knowledge about Sharia, graduates from Saudi law schools are not considered fully qualified to occupy jobs as legal professionals due to their lack of practical skills and legal knowledge. Consequently, most companies prefer to hire either graduates from law schools abroad or foreign lawyers.

The dilemma is common to law schools in general, as they do not make all possible efforts to prepare graduates for practice.¹⁰ In this thesis, however, I will examine the law program at the College of Law at Taibah University as a case study. Moreover, I will suggest alterations and improvements to the curriculum of the Bachelor of Laws program to enrich the educational experience for students at the College of Law.

¹⁰ ROY STUCKEY ET AL., BEST PRACTICE FOR LEGAL EDUCATION; A VISION AND A ROAD MAP 7 (2007).

I. BACKGROUND

A. Background of Legal Education in Saudi Arabia

The reform of the legal system has been a controversial topic for a long time between conservatives and liberals in Saudi Arabia.¹¹ The heart of the conflict is the role of traditional sharia jurisprudence scholarly work of the medieval era in the current Saudi legal system.¹² While conservatives argue that traditional jurisprudence books of Sharia¹³ are still valid and should still be applied today,¹⁴ liberals, inspired by their western education,¹⁵ call for a modernization of the legal system to correspond to the overall development in the country.¹⁶ The ongoing dispute includes several law related topics such as the formation of the country's judicial system,¹⁷ legislative system, and legal education.¹⁸ For the purpose of this research, only legal education will be examined.

Historically, beginning with the Sharia College at Umm Al-Qura University in 1949, Sharia colleges were the only schools to offer legal education in the Kingdom in the form of Sharia degrees.¹⁹ The first institution to teach law was the Law Department at the Institute of Public Administration in 1970.²⁰ Later on, two law departments were established in King Saud University in 1979 and King Abdulaziz University in 1986 to

¹¹ See generally, Ayoub M. Al-Jarbou, The Role of Traditionalist and Modernist on the Development of the Saudi Legal System, 21 ARAB L. Q. 191-229 (2007).

¹² *Id.* at 193.

¹³ A rich heritage of intellectual work by hundreds of Islamic scholars throughout centuries that cover the topics of Islamic jurisprudence, known as fiqh.

¹⁴ Aljarbou, *supra* note 11 at 193-197.

¹⁵ *Id.* at 197.

¹⁶ *Id.* at 198.

¹⁷ In 2007, the judicial system was reformed to include a two level courts system and specialized courts. In other words, the reform has created a modern judicial system that is similar to the court system in civil law countries such as Egypt.

¹⁸ Aljarbou, *supra* note 11, at 192.

¹⁹ *Id.* at 212.

²⁰ *Id.* at 213.

offer Bachelor degrees in Law along with the Sharia degrees in Sharia Colleges.²¹

Currently, there are twenty-five public and ten private universities in the country most of which offer some sort of a legal degree that gives its holder the right to practice law in Saudi Arabia. Although graduates with bachelors' degrees in Sharia or Law qualify to practice law in the country,²² Sharia and Law schools and departments have different approaches to their curricula.²³

In general, Sharia based degrees teach Islamic Jurisprudence, also known as Fiqh.²⁴ On the other hand, Law based degrees primarily teach contemporary law courses based on civil law theory and Saudi regulations with minimal Sharia courses.²⁵ The variety in the curricula between Sharia and Law schools expands the gap in the legal field between conservatives and liberals.

While Sharia graduates have been exposed to Sharia teaching in their undergraduate degrees,²⁶ they lack knowledge about the country's regulations and laws. Law graduates, however, are trained to master the civil law theory along with the current laws and regulations of the country;²⁷ nevertheless, they face difficulty when dealing with Sharia due to the shortage of Sharia based courses in their education. In order to minimize the negative effects on the legal system, several solutions have been presented

²¹ *Id.* at 214.

²² Nezam Almohama, [Advocacy Law] (Royal decree No. (M/38) 28 Rajab 1422 [15 October 2001] art.3 Umm Al-Qura No. 3867 – 17 Sha'ban 1422, [2 November 2001].

²³ Law and Sharia degrees are taught in both undergraduate and graduate schools. The College of Law at Taibah University currently offers a Bachelor Degree only. Therefore, for the purpose of this research, only undergraduate degrees will be examined.

²⁴ Aljarbou, *supra* note 11, at 212.

²⁵ *Id.* at 216.

²⁶ Ayoub M. Al-Jarbou, aqyeem Altaleem Alqanooni fe Almamlaka Alarabyyah Alsaudyya (Evaluation of Legal Education in Saudi Arabaia) 5 (2011) [Arabic].

²⁷ *Id.*

in both legal education and practice.

Realizing that graduates from Sharia schools are not exposed enough to the theory of law and the country's regulations, several programs were created that combine both Sharia and Law courses. For instance, in 2009, the Islamic University in Madinah created Master's and PhD degrees in law that are affiliated with the law program at the College of Sharia.²⁸ Since it is part of the College of Sharia, the law program aims to teach the principles of law in accordance with the rule of the Islamic Sharia. Although these programs have taken a step toward a unified legal education, they are provided for Sharia graduates only. In other words, Law graduates have no chance to learn about Sharia in similar programs.

Reducing the tension between Sharia and Law graduates has led to the creation of the Administrative Legal Committees. The historical refusal of the Sharia judges in the judiciary to apply modern regulations was the reason behind creating the legal administrative committees.²⁹ Each new law creates a committee to enforce it.³⁰ These are specialized committees within a ministry or a governmental agency that have a limited jurisdiction over cases within the specialty of the ministry or the agency.³¹

There are more than seventy committees within twenty-seven different ministries and governmental agencies.³² Some ministries or agencies only have one committee, but in others, there are up to ten or twelve different committees within the same ministry or

²⁸ The College of Sharia was established in 1961 as the first college at the Islamic University in Madinah.

²⁹ AYMAN SAAD SELIEM, NEZAM AL MUAMALAT AL MADANEYA AL SAUDI BAYN AL FIQH WA AL TAQNEEN [SAUDI CIVIL LAW UNDER SHARIA AND LAW] 66 (2008) [ARABIC].

³⁰ *Id.* at 59.

³¹ *Id.* at 61.

³² Youssef Alhudaithi, *Semi Judicial Committees*, (Feb. 25, 2009) <http://www.cojss.com/article.php?a=226>.

agency.³³ Some argue that these legal committees have created several problems within the judiciary system.³⁴ The main issues are the conflict of jurisdiction between the committees and the courts, the limit of the general courts jurisdiction over civil cases, and the conflict of judgments.³⁵ Trials in these committees have only one level. In other words, there are no appellate level committees within the ministry or agency. Since there is only one level of judicial authority within the legal administrative committees, parties can appeal the committees' decisions to the administrative courts, Dewan Al Mazalem. Some examples of these administrative committees are the Labor Dispute Committee, the Commercial Paper Dispute Committee, and the IP dispute Committee.

B. Legal Market and Career Options

It is important to note that in Saudi Arabia, unlike many countries, there is not a national exam that a person has to pass in order to qualify for any legal career. None of the law related jobs require passing a certain exam such as the bar exam in the United States. In order to practice law as a judge, prosecutor, or a lawyer, a person must only meet the qualifications for a particular job.³⁶

Law graduates in general have several pathways to choose from in order to pursue a legal career. The main option is to apply for a position as a judge, prosecutor, law professor, or lawyer.³⁷ In Saudi Arabia, however, sharia and law graduates have different

³³ *Id.*

³⁴ SELIEM, *supra* note 29, at 63-68.

³⁵ *Id.*

³⁶ Some of these jobs might require an exam, but that exam would be prepared by the same agency and only be valid for the same job.

³⁷ A graduate can also pursue a legal career as an in-house lawyer for a public or private entity.

options based on their educational background. In the following section, I will present the academic requirements for each of these jobs in Saudi Arabia.

1. Judge

The judiciary branch in Saudi Arabia contains two main bodies, the Administrative Courts, Dewan Almazalem, and the General Sharia Courts.³⁸ In order to be appointed as a judge, applicants must meet several requirements³⁹ regarding their nationality, age, and education.⁴⁰ Only Saudis with good character are to be considered.⁴¹ Also, applicants should be at least twenty-two years of age.⁴² When it comes to education, the law of the judiciary states that:

[H]e shall hold the degree of one of the Shari'ah colleges in the Kingdom of Saudi Arabia or any equivalent certificate, provided that, in latter case, he shall pass a special examination to be prepared by the Ministry of Justice. In case of necessity, persons well-known for their learning and knowledge who do not hold the required degree may be appointed as judges.⁴³

The statement of “any equivalent certificate” was not defined, and it has been a disputed phrase in the country. Some people argue that this statement includes law degrees as equivalent to Sharia, and some argue that it does not. In 2011, the

³⁸ The main difference is that administrative courts have jurisdiction over cases that include the government as a party.

³⁹ The process also requires them to meet the provision by sharia, which are not stated in the law itself.

⁴⁰ Nezam Alqada, [The Law of the Judiciary], Royal Decree No.(M/64) 14 Rajab 1395 [23 July 1975] art.

31 Umm Al-Qura No. 2592 – 29 Sha'ban 1395, [5 September 1975].

⁴¹ Nezam Alqada, [The Law of the Judiciary], Royal Decree No.(M/64) 14 Rajab 1395 [23 July 1975] art.

31 Umm Al-Qura No. 2592 – 29 Sha'ban 1395, [5 September 1975].

⁴² Nezam Alqada, [The Law of the Judiciary], Royal Decree No.(M/64) 14 Rajab 1395 [23 July 1975] art.

31 Umm Al-Qura No. 2592 – 29 Sha'ban 1395, [5 September 1975].

⁴³ Nezam Alqada, [The Law of the Judiciary], Royal Decree No.(M/64) 14 Rajab 1395 [23 July 1975] art.

31 Umm Al-Qura No. 2592 – 29 Sha'ban 1395, [5 September 1975].

Ministry of Justice responded to several statements claiming that law graduates can fill in when there is a need for more judges in the country.⁴⁴ According to the Ministry of Justice, law graduates neither can nor will be appointed despite the shortage of judges in the country.⁴⁵ “Since sharia law is being applied in Saudi Arabia, only sharia graduates are qualified to be judges in the judiciary branch.”⁴⁶ The Ministry of Justice supported its response by referring to the article (--) of the judiciary law, which was stated previously.⁴⁷

Recently, in 2014, the issue came to the surface again when Dr. Hanan Alahmadi, a member of Majlis Al-Shura, the Consultative Council,⁴⁸ suggested a proposal to the Council that supports appointing law graduates as judges.⁴⁹ The proposal argued that the judiciary positions should not be exclusive to sharia graduates as law graduates are as qualified as sharia graduates to be appointed.⁵⁰ It also added that law graduates have proven that they are capable of deciding on cases and serving as judges since there are more than 100 semi-judicial committees that are being led and decided by law graduates.⁵¹

⁴⁴ Majid Asisri, *La yomken isnad alqada le kherejey alhuquq*, (June 14, 2011), <http://www.al-madina.com/node/309540> [Arabic].

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ The Majlis al-Shura, or Consultative Council, is a legislative body that advises the King on issues that are important to Saudi Arabia. Royal Embassy of Saudi Arabia Washington DC, About Saudi Arabia (http://www.saudiembassy.net/about/country-information/government/Majlis_al_shura.aspx).

⁴⁹ Khalid Alamri, *Alshura Yosqet Twseyah tomaken kheriji alqanon men ala'amal fe alqada*, (Mar. 3, 2014) <http://alhayat.com/Articles/878764/>-الاقانونون--خريجي-تمكن-توصية-يسقط-الشورى [Arabic].

⁵⁰ *Id.*

⁵¹ These semi-judicial committees are attached to the ministry in which it was created; therefore, that particular ministry has the right to choose who fills the position. In other words, these committees are not part of the Judiciary Branch or the Ministry of Justice.

During the council discussion, Dr. Fahad Alenizi⁵² supported the proposal by pointing out that judges with sharia backgrounds are deciding cases that involve modern regulations even if they have no educational background in law, which calls into question their qualification to be judges in these cases.⁵³ Another member of the council and former judge Dr. Nasser bin Dawood added, “labor, commercial, criminal and banking cases are in need for law graduates more than sharia graduates.”⁵⁴

The opposing members, on the other hand, argued that the Law of the Judiciary does not include law graduates in the article (--).⁵⁵ Therefore, only Sharia graduates can be appointed as judges, and the phrase (equivalent) means other Islamic teaching based degrees such as Islamic or Quranic studies.⁵⁶ In the end, the proposal failed to pass by a shortage of four votes.⁵⁷

Regardless of this ongoing debate, graduates of law schools have never been appointed as judges in Saudi Arabia.⁵⁸ Therefore, for the purpose of this research, the judiciary positions will be eliminated from the career options for law graduates.⁵⁹

⁵² Dr. Alenizi has a PhD in law from France, and he was the dean of the law school at King Saud University, Riyadh.

<http://shura.gov.sa/wps/wcm/connect/ShuraArabic/internet/CV/Dr.+Fahd+Bin+Saleh+Al-Enezy>.

⁵³ Alamri, *supra* note 49.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ In some legal committees, law graduates can serve as head of the committee; however, these committees are not part of the judiciary branch.

⁵⁹ This crucial issue might be the most undesirable consequence from having two paths for legal education in the country as Sharia and Law schools provide similar but not identical teaching. Although this issue is essential, the author will not discuss it for the purpose of this research, which is only about the College of Law at Taibah University.

2. Prosecutor

Prosecution in Saudi Arabia is part of the Ministry of Interior.⁶⁰ Thus, prosecutors have several duties ranging from investigating crimes to filing complaints and appearing in court if a crime was to be found.⁶¹ Furthermore, prosecutors supervise the execution of criminal sentences.⁶² Finally, prosecutors have a duty to supervise prisons and prisoner situations.⁶³

Like the Law of the Judiciary, applicants for a prosecutor position must meet several requirements regarding their nationality, age, and education. These positions are open only to Saudis who are at least twenty-two years of age.⁶⁴ When it comes to education, however, unlike the ambiguity in the law of the judiciary, the Regulations of the Bureau of Investigation and Prosecution Members states clearly that both sharia and law degree holders are eligible to apply for prosecutor jobs.⁶⁵ In order to become a prosecutor, applicants also have to pass an interview and an exam.⁶⁶ Successful

⁶⁰ Hai'at Altahqiq wa Aledia Ala'am, [Law of the Bureau of Investigation and Prosecution], No. (140) 13 Sha'ban 1409 [21 March 1989] art. 1 Umm Al-Qura No. 3264 – 20 Dhul-Qadah 1409, [24 June 1989].

⁶¹ Hai'at Altahqiq wa Aledia Ala'am, [Law of the Bureau of Investigation and Prosecution], No. (140) 13 Sha'ban 1409 [21 March 1989] art. 3 Umm Al-Qura No. 3264 – 20 Dhul-Qadah 1409, [24 June 1989].

⁶² Hai'at Altahqiq wa Aledia Ala'am, [Law of the Bureau of Investigation and Prosecution], No. (140) 13 Sha'ban 1409 [21 March 1989] art. 3 Umm Al-Qura No. 3264 – 20 Dhul-Qadah 1409, [24 June 1989].

⁶³ Hai'at Altahqiq wa Aledia Ala'am, [Law of the Bureau of Investigation and Prosecution], No. (140) 13 Sha'ban 1409 [21 March 1989] art. 3 Umm Al-Qura No. 3264 – 20 Dhul-Qadah 1409, [24 June 1989].

⁶⁴ Laaha a'adha Hai'at Altahqiq wa Aledia Ala'am, [Regulations of the Bureau of Investigation and Prosecution Members], No. (140) 13 Sha'ban 1409 [21 March 1989] art. 1 Umm Al-Qura No. 3264 – 20 Dhul-Qadah 1409, [24 June 1989].

⁶⁵ Laaha a'adha Hai'at Altahqiq wa Aledia Ala'am, [Regulations of the Bureau of Investigation and Prosecution Members], No. (140) 13 Sha'ban 1409 [21 March 1989] art. 1 Umm Al-Qura No. 3264 – 20 Dhul-Qadah 1409, [24 June 1989].

⁶⁶ Laaha a'adha Hai'at Altahqiq wa Aledia Ala'am, [Regulations of the Bureau of Investigation and Prosecution Members], No. (140) 13 Sha'ban 1409 [21 March 1989] art. 1 Umm Al-Qura No. 3264 – 20 Dhul-Qadah 1409, [24 June 1989].

applicants will be appointed as assistant prosecutors and be placed in an extensive training program for at least six months.⁶⁷

3. *Lawyer*

Practicing law in Saudi Arabia is unique. Neither a law nor Sharia degree is required in order to represent another person or entity in a court of law or to give legal advice in any matter. The main difference between lawyers and non-lawyers is that only lawyers can establish law firms. Another difference is that non-lawyers have a limit on the number of clients they can represent at the same time; lawyers, on the other hand, have no limit when it comes to the number of clients they can have.

Thus, to get a license that permits a person to work as a licensed lawyer, an applicant has to meet certain requirements. When it comes to education, similar to the Regulations of the Bureau of Investigation and Prosecution Members, the Advocacy Law states clearly that either a sharia or a law degree is required to apply for a license.⁶⁸ Moreover, before granting the license as a practicing lawyer, an applicant needs to have at least three years of practical experience in a legal related job after completing the Sharia or Law bachelor's degree.⁶⁹ For applicants with a master's degree, the time

⁶⁷ Laaha a'adha Hai'at Altahtiq wa Aledia Ala'am, [Regulations of the Bureau of Investigation and Prosecution Members], No. (140) 13 Sha'ban 1409 [21 March 1989] art. 2 Umm Al-Qura No. 3264 – 20 Dhul-Qadah 1409, [24 June 1989].

⁶⁸ Nezam Almohama, [Advocacy Law] (Royal decree No. (M/38) 28 Rajab 1422 [15 October 2001] art.3 Umm Al-Qura No. 3867 – 17 Sha'ban 1422, [2 November 2001].

⁶⁹ Several types of experiences can satisfy the practical experience requirements such as:
1- working in a law firm under the supervision of a practicing lawyer who has at least 5 years of experience; or
2- teaching law or Sharia in a university level; or
3- working as an in-house lawyer for a government or private entity; or
4- working as a prosecutor. Nezam Almohama, [Advocacy Law] (Royal decree No. (M/38) 28 Rajab 1422 [15 October 2001] art.3 Umm Al-Qura No. 3867 – 17 Sha'ban 1422, [2 November 2001].

reduces to one year.⁷⁰ Applicants with doctorate degrees are exempt from the experience requirement.⁷¹

When it comes to working as a lawyer or a legal advisor for a private company, there are no conditions or requirements other than what the company requested. For example, Petro Rabigh, a major oil company, has announced several positions in the legal department. The company is seeking graduates with law degrees, which exclude sharia graduates, with a GPA of 2.5 out of 4, and fluency in reading and writing in English. In addition, the applicants must pass an internal exam and interview.⁷² The company does not require any further qualifications such as a certificate or license from the Ministry of Justice.

4. Law Professor

The process of becoming a professor in any governmental university in Saudi Arabia is similar regardless of the major. Professors are to be hired after the completion of a Bachelor's, Master's or Ph.D. degree. In law schools, the most common way is to hire recent bachelor's or master's graduates with high GPAs as law lecturers in a specific section and specialty. Usually, Saudi law schools have two main academic areas, public and private law.⁷³ Within each area, there are several specialties. Later, the hiring university will support that lecturer to get both a master's and Ph.D. degree in his or her

⁷⁰ Nezam Almohama, [Advocacy Law] (Royal decree No. (M/38) 28 Rajab 1422 [15 October 2001] art.3 Umm Al-Qura No. 3867 – 17 Sha'ban 1422, [2 November 2001].

⁷¹ Nezam Almohama, [Advocacy Law] (Royal decree No. (M/38) 28 Rajab 1422 [15 October 2001] art.3 Umm Al-Qura No. 3867 – 17 Sha'ban 1422, [2 November 2001].

⁷² Petro Rabigh, Career Section, https://petrorabigh.taleo.net/careersection/pr_fresh+graduates/jobdetail.ftl

⁷³ King Saud University, the College of Law and Political Science <http://clps.ksu.edu.sa/ar/edu2>, King Faisal University, College of Law <http://www.kfu.edu.sa/ar/Colleges/law/Pages/الأكاديمي%20%الشؤون.aspx> King Abdul-Aziz University, College of Law, http://law.kau.edu.sa/Default.aspx?Site_ID=152&Lng=AR.

major.

Although Saudi law is different than most countries in terms of language, sources, and structure, law lecturers in Saudi universities do not get their advanced degrees in Saudi Arabia. Normally, universities support their lecturers to pursue advanced degrees in a common law country such as the United States, the United Kingdom, and Australia. Sometimes, however, a lecturer would prefer to study in a civil law country such as France.

II. CASE STUDY: COLLEGE OF LAW AT TAIBAH UNIVERSITY

A. Background

The College of Law at Taibah University, established in 2011, is one of the newest law schools in the country⁷⁴ and the first to offer a Bachelor of Laws degree from a law school in the Madinah region.⁷⁵ The College of Law is part of Taibah University, which was founded in 2003 in the city of Al Madinah.⁷⁶

At this time, the College of Law continues to offer only one degree, a Bachelor of Laws. Admission to the program requires the same requirements as any undergraduate program in the university. During the program, students study sharia, based on the Islamic jurisprudence, and contemporary laws, based on the civil law theory. The program is described as an academic program that is based on the theoretical academic teaching and ends with a thesis.

B. The College of Law Vision, Mission Statement, and Objectives

The main purpose of having a school's vision, mission statement, and objectives is to "explain[] to prospective students, alumni, and contributors how the school views its reasons for existing".⁷⁷ It should also be the guide and motivation for decision makers to add to or adjust the school's practices. In law schools, the vision and mission statement are supposed to "include a commitment to prepare students to practice law effectively

⁷⁴ Law programs are sometimes taught in departments or sections within another college such as administrative colleges, like King Abdulaziz University, or sharia colleges, like Islamic University.

⁷⁵ The Islamic University in Madinah, which was founded in 1961, is one of the first universities in the country that offered a degree that qualifies its holder to practice law, but it is awarded from a sharia not law college.

⁷⁶ Taibah University is the largest university in Madinah with thirty colleges and institutes, 156 programs, and seven degrees awarded to more than 63,000 students as of 2013. For more information about Taibah University, please visit the university's website at (www.taibahu.edu.sa)

⁷⁷ STUCKEY, *supra* note 10, at 39.

and responsibly in the contexts they are likely to encounter as new lawyers”.⁷⁸

According to the College of Law website,⁷⁹ the College of Law’s vision is to serve society by having a leading role in legal education and scholarly legal research on the national, regional and global level, which is built on the Islamic sharia principles and values. The College of Law’s mission statement is to prepare highly qualified legal professionals who can compete nationally, regionally, and globally; furthermore, to produce specialized scholarly legal research and to serve the community. Finally, the College of Law’s objectives are:

1. To excel in learning and teaching by:
 - a. Preparing academic programs in accordance with national and international credentials
 - b. Using technology in teaching and learning
 - c. Encouraging the use of critical thinking in the learning process
2. To excel in scholarly legal research by:
 - a. Enhancing the college’s resources of legal research
 - b. Encouraging partnerships in legal research nationally, regionally, and globally
 - c. Connecting the college with information resources in the legal field
3. To improve the academic and administrative environment by:
 - a. Executing the curriculum by specialized law professors in various fields

⁷⁸ *Id.*

⁷⁹ The College of Law’s vision, mission statement, and objectives were translated by the author from the College of Law. Taibah University, the College of Law, <https://www.taibahu.edu.sa/Pages/AR/Sector/SectorPage.aspx?ID=28>

- b. Improving the skills of the college's staff
 - c. Ensuring the process of transparency and feedback
4. To build partnerships with different societal institutions by:
- a. Improving the college's role as an expert in society
 - b. Cooperating with the legal market
 - c. Encouraging non-class activities, field trips and practical training
 - d. Preparing legal activities that fulfill society's demands

C. The College of Law Faculty, Courses, and Academic Sections

1. The Administration and Faculty of the College

The College of Law has two divisions, the male student division and the female student division. However, the College of Law has only one dean for both divisions. The dean has to be a Saudi professor from the College of Law. In addition, the College of Law has three vice deans, one of whom is the vice dean for the female student division.⁸⁰ The other two vice deans are the general vice dean and the vice dean for educational and training affairs.

Moreover, each of the three academic sections (fiqh, private, and public law) has a director in the male student section. On the other hand, there is only one vice director for all three academic sections in the female student division. Besides their administrative duties, the dean, vice deans, directors of the academic sections, and the vice directors have teaching positions in the academic sections.

⁸⁰ It is normal to have two divisions in Saudi universities based on gender.

In the academic sections, generally, professors specialize in one area within their section's specialty by holding a master's and doctorate degree in a specific area of law. For example, a professor in the public law section might specialize in criminal law. However, professors usually teach several subjects within the same section, but never from a different section. For example, a professor specializing in commercial law might teach a labor law class if needed.

Although the current curriculum at the College of Law teaches only Saudi laws at the undergraduate level, the faculty members have different educational backgrounds. Professors in the Private law section are either Saudi professors with graduate degrees from common law countries, or foreign professors with graduate degrees from their home countries.⁸¹ In addition, some Saudi professors in the Public law section hold graduate degrees in criminal justice from Saudi Arabia. Finally, Saudi and foreign professors within the Fiqh section hold graduate degrees in Sharia or Fiqh. Although the law allows the College of Law to recruit one or more adjunct faculty members, there are no adjunct professors currently working in the College of Law.

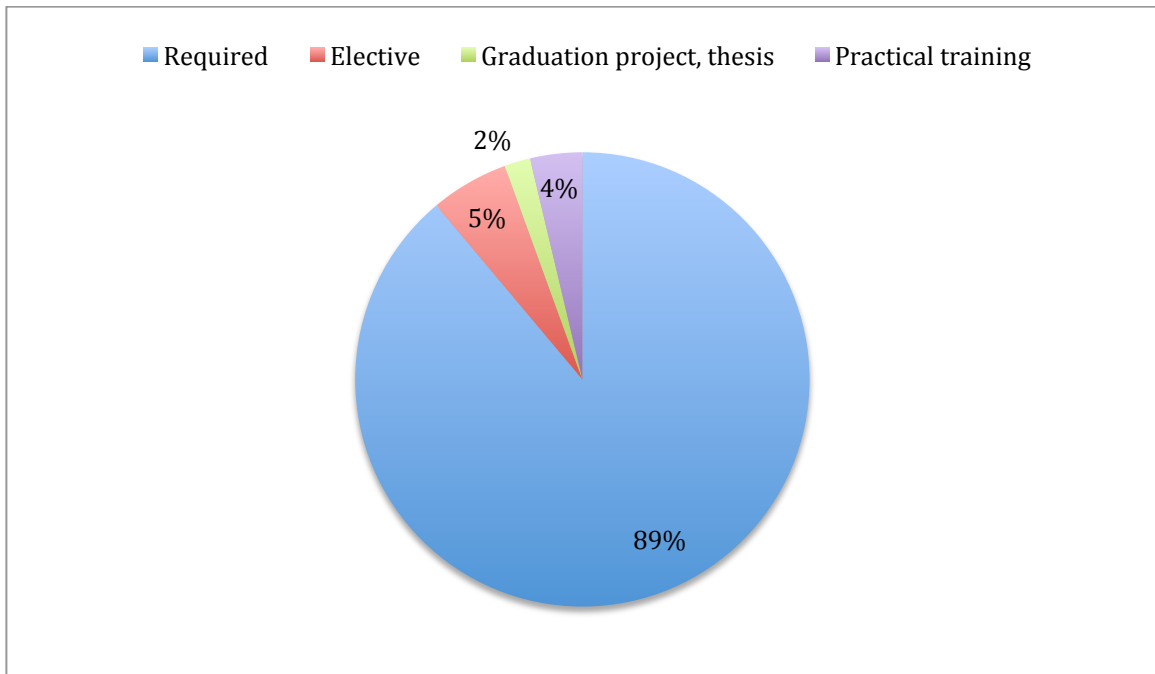
2. The Courses of the College

In order to meet the graduation requirements for the Bachelor of Laws degree, students at the College of Law have to pass 132 credit hours. These credit hours are divided between the university and the College of Law required and elective courses as follows:

⁸¹ The current faculty has foreign professors from two Arabic countries, Egypt and Jordan.

Course	Required	Elective
University	12	12
College of Law	102	6

In the university-required courses, students have to take four courses of Islamic studies and two courses of Arabic language. In the College of Law required courses students have to take 100 credit hours of doctrine courses, two credit hours of a graduation project, which is an academic thesis, and four credit hours of practical training, which has to be completed during the last semester of study.



3. Academic Sections of the College

The College of Law has three academic sections that fulfill the requirements toward the Bachelor of Laws degree collectively. The distinction between the three sections is based on the academic subject they teach. Each section has its faculty members, one of whom is also working as a head of the section with administrative duties. The three sections are Private law, Public law, and Fiqh.

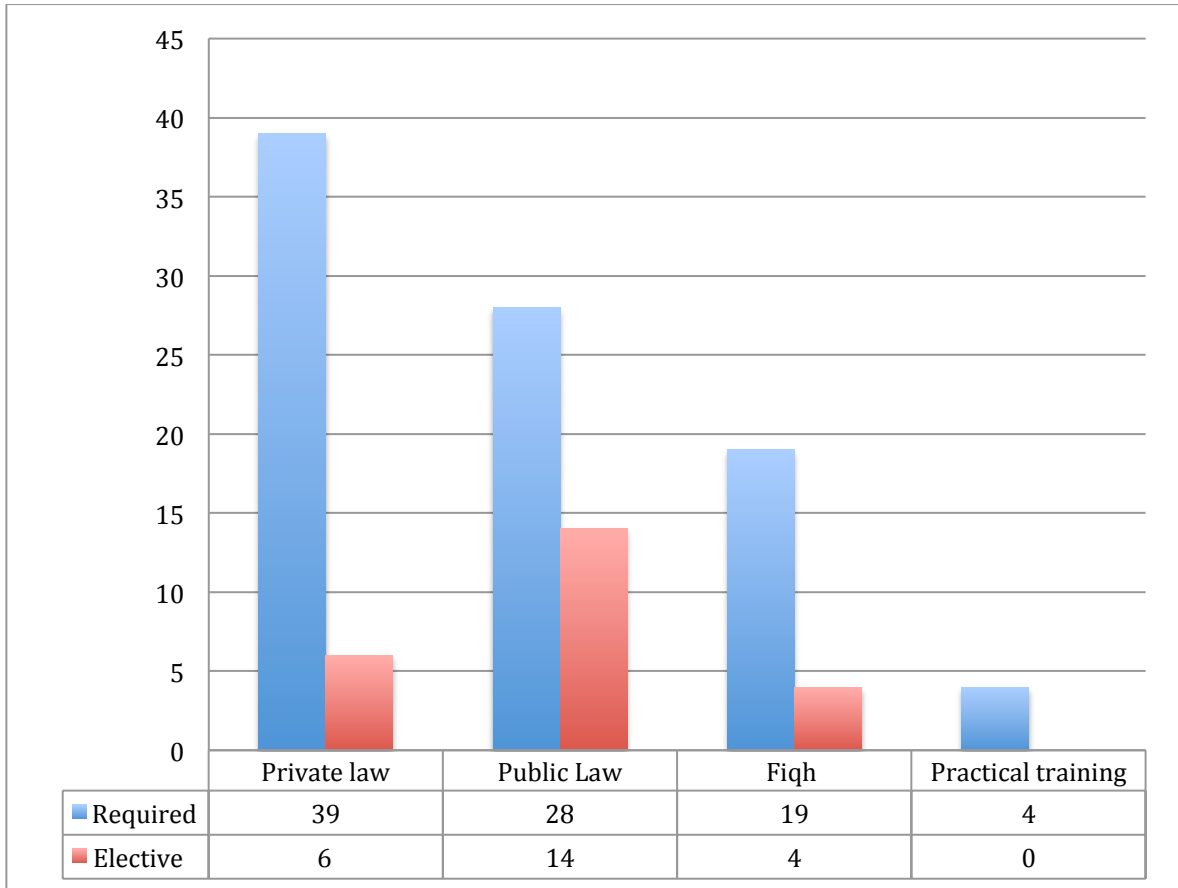
In the Private law section, students study the legal theories that regulate relationships between individuals. Classes in this area include civil law, which covers topics such as contracts, torts and property, commercial law, labor law, and civil litigation. The current plan of the College of Law offers thirty-nine required and six elective credit hours from the private law section.

The second section is the Public law section in which students take courses in the area of law that involves the state as a party. Classes in this area include constitutional law, administrative law, criminal law, and international law. Students have to take twenty-eight credit hours from the Public law section, and have the option to take fourteen credit hours as electives.

Last but not least is the Fiqh section.⁸² In this section, students are required to take nineteen credit hours and have the option to elect four credit hours from the electives list.

⁸² Usually, in law schools, all the law related topics fall within the private or the public law sections. On the other hand, in sharia schools, all classes should be taught following the traditional fiqh teaching. Since the College of Law combines law (public and private) and sharia (which is known as fiqh) based sections, the fiqh section teaches some of the topics covered by one of the two law sections. To avoid duplication, usually the topics taught in the fiqh section are not taught in the law sections.

The topics taught are chosen based on their practical application. In legal areas where Saudi courts apply sharia, students will study the fiqh approach of these topics. At the College of Law, the Fiqh section teaches classes such as family law, and wills and trust.



III. ANALYSIS

In its strategic planning, Taibah University has stated that its education consists of four main elements: students, curriculum, professors, and school environment.⁸³

According to the university's strategic plan, each and every one of these elements should be enhanced in order to improve the overall educational experience.⁸⁴ Therefore, this paper will discuss each element within the College of Law in the same order they were presented in the university's strategic planning. It is important to note that not everything needs to be changed, however, suggestions will be given in order to develop the learning experience at the College of Law.

A. Students

Students join law schools expecting to graduate with a high level of skills and knowledge to compete over the most prestigious jobs in the legal market. In Saudi Arabia, students have to choose between sharia and law schools looking for the best preparation they can get during their college years. Each college has different entry requirements and provides a unique educational experience. However, in the Madinah region, there are only two options for students to earn a law degree. The first option is the Master's of Law at the Sharia College in Islamic University, which requires holding a bachelor's degree in Sharia. The other option is joining the Bachelor of Laws program offered at the College of Law, which only requires a high school diploma. In other words,

⁸³ Taibah University, Strategic Plan
<https://www.taibahu.edu.sa/Pages/Alwaad/Details.aspx>
[Arabic].

⁸⁴ Taibah University, Strategic Plan
<https://www.taibahu.edu.sa/Pages/Alwaad/Details.aspx>
[Arabic].

the Bachelor of Laws is the only option for high school graduates to study law in Madinah.

The College of Law accepts recent high school graduates. Currently, there is only one degree offered which is the Bachelor of Laws. Admission to the College of Law follows the general admission requirements of the undergraduate degrees at Taibah University. The program has only full time Saudi students who are enrolled in Taibah University with no exchange or visiting students. Currently, there is no published student-to-professor ratio.

1. Undergraduate Degree

Before examining a legal program, it is essential to recognize its level of education as both the requirements and expectations vary between undergraduate and graduate level programs. The College of Law offers its legal program as an undergraduate degree, the Bachelor of Laws. That is the normal practice for law schools in Saudi Arabia, since all law and sharia schools provide an undergraduate legal degree, which satisfies the academic requirement for legal practice.

In other words, legal education in Saudi Arabia is primarily offered at the undergraduate level. Other countries such as the United States follow a different approach by providing legal education as a graduate level program in which students must hold an undergraduate degree, along with other requirements, in order to be accepted for the Juris Doctor degree, or J.D. Interestingly, countries such as Japan and

Korea have recently shifted their legal education system from the undergraduate to the graduate level following the American model.⁸⁵

The difference in legal education practice raises the question of whether the first law degree should be offered as an undergraduate or graduate program in Saudi Arabia. Although this issue is important to be discussed as an essential part of legal education reform,⁸⁶ it is irrelevant to this paper since the current practice in the College of Law, similar to other Saudi law schools, is to provide legal education at the undergraduate level.

Since the College of Law offers its program as an undergraduate degree, expectations should be based on that fact. Some educators call for a comparative study program between sharia and law in which students would learn both sharia practice and civil law theory. Although that proposal might be a solution for the confusion in the legal practice, it is not a realistic solution. It is too ambitious to expect a high school graduate to understand and apply complex legal issues related to law and sharia especially without a strong foundation and preparation in at least one of the two areas. A comparative study between law and sharia can be a foundation for a Master's or PhD degree. In fact, the Higher Institute of Judiciary at Imam University, Riyadh has adopted this approach.⁸⁷ Thus, until the College of Law offers graduate programs, the current program should not combine or compare sharia and law.

⁸⁵Thomas Chih-hsiung Chen, Legal Education Reform in Taiwan: Are Japan and Korea the Models? 62 J. LEGAL EDUC. 32-33 (2012).

⁸⁶ Considering that the current legal system combines both sharia and law, transferring legal education from an undergraduate to graduate level might be a solution to the duplication in legal practice, but this suggestion needs further research and examination before deciding such a core, costly change.

⁸⁷ The Higher institute of Judiciary is part of Imam University. It offers only Master's and PhD degrees that are provided exclusively for graduates with a bachelor's degree in sharia. For more information visit (<https://sij.imamu.edu.sa/Pages/default.aspx>).

In order to be capable of understanding and working in the current Saudi legal system, it is essential for students to have a general understanding of both law and sharia. The degree at the College of Law, however, is described as a law, not sharia, degree. Therefore, the program should provide only a basic training in sharia in addition to mastering the civil law theory and its applications in Saudi Arabia. Students do not need to understand or recognize each and every difference between the civil law theory and sharia approach. The program should offer a teaching of the rules that cover a certain topic in the Saudi legal system whether it is modern written laws or sharia. The golden rule in this matter should be the judiciary practice. In other words, the sharia approach should only be taught if the courts apply sharia in a particular subject matter. Otherwise, students should not learn it, at least in the bachelor's degree to avoid possible confusion given the complexity of the topic.

2. Admissions Criteria

Admission to the Bachelor of Laws at the College of Law follows the same general admission standards for all undergraduate programs at Taibah University. That means students do not go through a specific process or examination, such as the LSAT in the United States, in order to be admitted. Other professional programs such as the Medical School at Taibah University follow a more selective procedure. While the Medical School at Taibah University also offers its first degree at the undergraduate

level, admission to the program requires a higher GPA and passing additional admission tests.⁸⁸

Admitting students into legal degree programs without careful selection creates an issue in most Arabic law schools.⁸⁹ Law schools and legal degrees become a place not only for competitive, ambitious students, but also for any students who were not admitted into other schools.⁹⁰ Admission to the College of Law should have higher criteria. That can be achieved by raising admission standards. It can be also be reached by adopting the legal diploma degree, which was introduced but not used in the College of Law. In the legal diploma degree, after two years, students with low grades and GPA have the option to graduate with a two-year legal diploma. The other option for low GPA students is to transfer to a different undergraduate program at Taibah University to complete their bachelor's degree in another major.

3. Student Body

The current student body consists of Saudi students who are enrolled as full time students at the College of Law.⁹¹ The College of Law does not offer a part time program. Furthermore, the College of Law does not have any student exchange program in which students from other international law schools can take classes for a period of time. Moreover, there are no exchange programs even between the College of Law and other

⁸⁸ Taibah University, the College of Law, <https://www.taibahu.edu.sa/Pages/AR/Sector/SectorPage.aspx?ID=28>.

⁸⁹ DR. IMAM HASSANEIN KHALIL, ELM ALQANOON FE ALBULDAN ALARABIYYAH. (LAW IN ARAB COUNTRIES, A STUDY ON THEMES AND METHODOLOGY) 18 (2014) [ARABIC].

⁹⁰ *Id.*

⁹¹ In general, all students at Saudi public universities are Saudis unless the program is specifically for foreigners such as the Arabic and Islamic studies programs in the Islamic University in Madinah.

law schools in Saudi Arabia including the Islamic University, which offers a law program even though both programs are located in the same city of Madinah.

It is, however, important for the College of Law to initiate exchange and visiting programs with other law schools on the national and international level.⁹² Starting such programs will benefit students at the College of Law by enhancing diversity inside the classroom. Moreover, students from the College of Law who will be studying abroad for a semester will benefit from such a unique experience.

4. Student-to-Professor Ratio

Keeping a small student-to-professor ratio means that students, in general, will have smaller classes. Small classes are important in law schools especially in practical and skills based classes in which the professor's close supervision is not only preferred, but also required. Keeping a small ratio will also provide professors with more time to create an interactive education environment. Top law schools have a small student-to-professor ratio. For example, Yale law school's ratio is 8.46:1.⁹³ Another example is the University of Virginia law school, which has an 11:1 students-to-professor ratio.⁹⁴ Although it is essential in any educational institution,⁹⁵ there is no published ratio number

⁹² It is crucial to consider that the College of Law provides its degree in Arabic, so any agreements should be entered with law schools in which Arabic is the main language of study which can be easily found in most Saudi and Arabic law schools.

⁹³ Yale Law School, Fast Facts
<http://www.law.yale.edu/about/fastfacts.htm>

⁹⁴ University of Virginia School of Law, Facts and Statistics
<http://www.law.virginia.edu/html/about/factsstats.htm>.

⁹⁵ In the United States, the student-to-professor ratio contributes 3% to a school's overall score in the US. News' ranking of law schools. For more details, *see* <http://www.usnews.com/education/best-graduate-schools/articles/law-schools-methodology?page=2>.

at the College of Law. As an important aspect of its program, the College of Law should maintain a small ratio in order to ensure offering a high quality education.

B. Curriculum

In Saudi Arabia, there is no authority that sets the standards or requirements for legal curriculum in law schools. Each law school creates its own curriculum with no mandatory regulations or even a guideline to follow.⁹⁶ This has resulted in multiple curricula that have different approaches when it comes to courses, credits hours, and even languages.⁹⁷

To illustrate, the Bachelor of Laws program at King Saud University in Riyadh requires students to pass 128 credit hours; the law program at Taif University in Taif, however, requires passing 143 credit hours.⁹⁸ Moreover, students in the King Saud program take only eight sharia related courses, while at Taif University, students take up to 32 credit hours of sharia related courses.⁹⁹ Another example is the Bachelor of Laws at Dar Alhekma University in Jeddah, which is taught almost fully in English, while all other law programs in the country are taught fully in Arabic with an exception of one or two courses taught in English in some programs.¹⁰⁰

At the College of Law, the program consists of 132 credit hours, and it is taught fully in Arabic with the exception of a legal terminology course in English. Students are expected to complete all requirements and graduate in four years. In the following sections, I will present different aspects of the current curriculum at the College of Law including the relation between sharia and law courses, material and resources, teaching methods, and skills based courses. At the end of each section, I will suggest

⁹⁶Abdulrahman Aljurai, *Moaweqat Altaawoun Bain Aqsam Alanzimah (Obstacles in Cooperation Between Law Sections)* (2008) [Arabic].

⁹⁷ Al-Jarbou, *supra* note 26, at 16-19.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

improvements that can help in providing the students with the best possible educational experience.

1. Law and Fiqh courses

One of the main differences between the College of Law at Taibah University and other law schools in Saudi Arabia is that it combines both law and fiqh sections at the same College. That raises the question of the role of each section in planning and teaching courses of the curriculum. Generally, in law schools that follow the civil law education system, all legal topics are covered by one of two main sections, private or public law. In sharia-based programs, however, fiqh covers most legal topics besides other non-legal fiqh topics. This means most topics covered by either the private or public law sections are also covered by fiqh.

Generally, civil law based programs are part of law schools and have two main legal sections: private and public law. The private law section deals with issues between private parties. The private law sections usually involve areas such as torts, property law, family law, civil procedure, and commercial law. Public law sections, on the other hand, deal with legal topics that involve the state as a party in a dispute. Public law involves areas such as constitutional law, criminal law, international law, and administrative law.

Fiqh-based programs, on the other hand, are usually part of Sharia or Islamic studies schools. These schools mostly have other sections that teach Islamic related majors such as Usul Alfiqh. In fiqh sections, students study fiqh books that were written based on one of the Islamic jurisprudence schools of thoughts. In Saudi Arabia, the

official jurisprudence school of thought is the Hanbali.¹⁰¹ Fiqh books are divided into two main sections, and within each section there are several chapters. The first section is the Ibadat, worship, and the second section is the Muaamalat, transactions. The first section covers topics that explain the relationship between a person and God, which include topics such as prayer and fasting. While this section is important in the fiqh major, it has no legal aspects at all, and therefore should not be a part of any legal education program. The second section is Muaamalat or transaction,s which covers topics that explain the relationships and transactions between people. This includes, in part, family, international, corporate, and even criminal law. This is the legal portion of the Islamic jurisprudence, which is the important part in legal education and practice in Saudi Arabia.

The combination of law and fiqh sections at the College of Law creates the issue of which section should teach each legal topic. For example, corporate regulations are taught as part of commercial law under the private law section. There are also corporate regulations in fiqh books. In this case, where should students learn about the legal topic of corporate law? Should it be taught in the fiqh section using sharia based books and terminology, or should it be taught as part of commercial law?

It might be argued that legal practice in the country combines both sharia based laws,¹⁰² and modern regulations.¹⁰³ Therefore, law schools, including the College of Law, must combine teaching both law and fiqh.¹⁰⁴ While that might be a solution, it also creates other issues. As mentioned earlier, students will have to study the same topic twice based

¹⁰¹ SELIEM, supra note 29, at 40-41.

¹⁰² Any laws and regulations in Saudi Arabia have to be either derived from sharia law or does not conflict with it.

¹⁰³ Dr. Mahmoud Almubarak, Tatweer Aqşam Alanzima, afaaq almustaqbal (Development of Law Sections, A look into the Future) 2 (2008) [Arabic].

¹⁰⁴ Al-Jarbou, Supra note 26, at 30.

on each section's method and terminology, while in practice only one of these two approaches is applicable. For example, while students study corporate law in Islamic jurisprudence books, there is a written law in the country that regulates corporations. Thus, students do not need to study the fiqh approach since it is not applicable in practice.¹⁰⁵ It is also important to notice that students at the College of Law are pursuing an undergraduate degree, and therefore, is not suitable to teach a comparative approach to a complex major such as law.

Thus, the College of Law should teach according to the practical approach in the legal system. If a topic is covered by modern laws that courts apply in practice, it should be taught as a legal course only. If a topic combines modern laws and the fiqh approach, it should be taught as a legal topic, but also mention the fiqh approach if applicable. Courses should also adapt to future changes in the country, such as the codification of laws.

2. Books and materials

There are several types of books and materials used to teach in the College of Law. First, in the fiqh section, books are based on the Hanbali jurisprudence. Usually, these books do not cover new legal issues such as IP, air and space, or environmental law. In law sections, professors teach books written on Saudi laws or on other Arabic countries' laws. In some cases, professors teach only the written rules and regulations, and other times they teach both books and regulations. The books currently being used in

¹⁰⁵ While it is not fully applicable, some of the fiqh approaches might be included in the law, which can be taught in law classes, not separately.

both sections do not provide students with the appropriate preparation needed to understand the legal practice in the country for several reasons.

In the fiqh section, books are written by Islamic scholars as Islamic jurisprudence books, not as legal book, which has resulted in books that cover many topics that are not related to legal practice. Moreover, they lack important new legal topics such as IP, air and space, and environmental law. In addition, fiqh as part of the Islamic jurisprudence has its own terminology and definitions, which is different than the language used in written Saudi laws and regulations. Lastly, these fiqh books are organized in a different way than law books when it comes to chapters and topics.

In law sections, most of the books are written by foreign professors from Arabic countries. While these books cover most basic legal theories, they do not contain new legal issues such as electronic transactions.¹⁰⁶ Moreover, the books cover laws and legal systems in different countries other than Saudi Arabia since the writers are not familiar with Saudi laws. Even if a book is written about Saudi law, it usually does not cover judiciary practice in the country or the fiqh approach, which does not provide students with a complete understanding of the legal practice in the country. Finally, there are not many resources written about Saudi laws from a legal, fiqh, or comparative point of view.

Thus, there is a basic demand for newly written materials that cover and describe the practice in the Saudi legal environment for law students. For any legal topic, these books should cover four main areas: civil law theory, Saudi laws and regulations, sharia, and judiciary practice. Since the legal system in Saudi Arabia is built on a civil law system, any written work must introduce the civil law theory and organization of a legal

¹⁰⁶ DR. IMAM, *supra* note 89, at 18.

topic. After that, any Saudi laws or regulations that apply to a given topic must be presented. Later, if the area is covered partially by sharia, the sharia approach should also be explained. Last but not least, a completed work should describe the practical aspect of a topic.

To illustrate, insurance contracts is part of civil contracts, which is taught in the private law section. A book, or chapter in a book about civil contracts, should start by explaining insurance contracts under civil law theory. After that, the book should describe the Saudi insurance law and any regulations related to it. The book should also state the status of insurance contracts in the Islamic jurisprudence, which approach the Hanbali school of thought adopts, and how it relates to the Saudi law and civil theory. Finally, the book should present the authority that has subject matter jurisdiction over insurance disputes and their procedures in insurance claims. Following this same approach, all books taught in any section or topic at the College of Law should be organized in this way or in a similar way to ensure that students are well prepared to practice law in Saudi Arabia.

3. Teaching style and methods

Generally speaking, teaching law or fiqh courses at the College of Law is similar to most other Saudi law schools. Before class, professors prepare the material from the same book they assign to students; students are not expected to prepare the material. In class, professors explain the material while students have a passive role in the classroom since they are neither expected nor encouraged to participate in class discussion. It is normal to have classes with no interaction between professors and students and between

students themselves. This lecturing method is described as “among the least effective methods for achieving almost every educational goal ever identified.”¹⁰⁷

The College of Law should promote interactive learning environments, in which both professors and students actively participate. Professors should encourage students to have an active role in the classroom. Professors should also create assignments that encourage students to think and test their understanding, not just memorization, of the course content.¹⁰⁸ This will give professors a clearer picture of each student’s weaknesses and strengths in mastering the course material, and how the course can be developed to meet students’ needs. Also, student engagement in the classroom can be achieved by introducing group work and group assignments, which can create an interactive learning environment not only in the classroom but even outside classes.

4. Doctrine versus practical and legal skills

One of the main goals of any law program is preparing students to be successful in the legal market by adopting a practical teaching approach.¹⁰⁹ In general, law schools “have a tradition of emphasizing instruction in theory and doctrine over practice and of treating theory and doctrine as distinct, separate subjects from practice.”¹¹⁰ Nevertheless, it is important for law students not only to understand the legal theories, but also to gain practical experiences and skills. The College of Law curriculum, however, lacks practical and legal skills based classes. While the curriculum has 132 credits hours, only four

¹⁰⁷ Warren Binford, How to be the World’s Best Law Professor, 64 J. LEGAL EDUC. 8 (forthcoming 2015).

¹⁰⁸ DR. IMAM, *supra* note 89, at 18.

¹⁰⁹ Dr. Hassan Safar, *Tatweer Alilmi wa altadrib alamali le madat nezam alqada wa nezam almurafaat alsharia (The Doctrine and Practical development of Civil Procedure Law Course)* 1 (2008) [Arabic]

¹¹⁰ STUCKEY, *supra* note 10, at 97.

credit hours are to be spent in an externship program. This results in students mastering theories without any understanding of their practical aspects and application.

Moreover, the curriculum does not offer any legal skills based classes. Legal practice relies heavily on personal and professional skills such as legal writing, negotiations, trial advocacy, and litigations skills. The current curriculum does not equip students with any of the needed skills to succeed as a legal professional. Graduates are not even trained to perform basic daily legal tasks such as writing legal memos or negotiating a contract, let alone more complex work such as drafting contracts or appearing in court.

Since students retain most of what they learn through practice,¹¹¹ the College of law should include courses that train students to write legal documents and research legal matters under close supervision from their professors.¹¹² These materials can be developed in collaboration with judges and other legal professionals.¹¹³ Training could include writing legal memorandums, and court minutes and judicial opinions.¹¹⁴ It could also include practicing advocacy in mock trials or other legal related skills.¹¹⁵

5. Teaching skills

Not only are legal skills missing from the curriculum, but also more general skills that are needed to succeed in the current national and international legal market. As part of an undergraduate degree, students should participate in classes such as foreign languages, critical thinking, and computer skills. Although mastering Arabic is essential

¹¹¹ Binford, *supra* note 107, at 11.

¹¹² Safar, *supra* note 109, at 1.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

for legal professionals in Saudi Arabia, learning another language is important for students in order to be competitive in the legal market. For example, students considering working for private companies should be fluent in English since most communication in these companies is done in English. In general, English is used in most commercial settings and meetings in Saudi Arabia since there are many foreign companies and investors. Therefore, it is essential for legal professionals to be familiar with at least basic English. Also, in order to prepare a strong applicant for the legal market, graduates are expected to master basic computer related skills such as familiarity with office programs and professional emails.

C. Professors

The College of Law recruits Saudi and foreign professors and lecturers. Saudi professors are usually hired after the completion of their bachelor's degrees, and are then supported by the Taibah University scholarship program to earn their master's and doctorate degrees abroad. Foreign professors are Arabic professors holding doctorate degrees in law from their home countries. At this time, the College of Law has foreign professors from two Arabic countries, Egypt and Jordan.

Currently, there are seventeen professors at the College of Law. Only five professors are Saudi and the other twelve professors are foreigners. There are also twenty-four Saudi lecturers supported by the Taibah University scholarship program pursuing their master's and PhD degrees abroad. Most of the lecturers are in the United States. However, there are a few in the United Kingdom and Australia. There is also one lecturer studying in France. The following table shows professors and lecturers in each section.

	Private Law	Public Law	Fiqh
Saudi Professor	0	2	3
Foreign Professor	6	5	1
Saudi Lecturer (on scholarship)	15	8	1

1. Law Lecturers

Initially, the College of Law accepted only Law graduates for lecturer positions in the private and public law sections, and sharia or fiqh graduates in the fiqh section. Recently, however, the College of Law hired several sharia graduates in the private and public law sections as law lecturers. Some of these newly hired lecturers have master's degrees from a common law country such as Australia. In any case, they are supported by the Taibah University scholarship to earn their master's and doctorate degrees in law abroad.

Later on, those lecturers will teach legal topics within one of the law sections. This raises questions about their qualification to teach in a college that follows a civil law education system since these lecturers have never been trained in such a system. Although these lecturers will eventually earn their master's and doctorate in law from a common law country or even a civil law country, they have never studied Saudi law and regulations unlike their coworkers in the same law section who hold bachelor's degrees in law from Saudi Arabia. This will create confusion for both lecturers (professors when they come back) and their students. Lecturers will naturally apply their sharia and common law background. Students, however, will struggle in connecting what they are taught in lectures with their assigned civil law based books. This will also create inconsistency between professors teaching the same subject according to their educational background.

On the other hand, lecturers with a sharia background and common law training can add great value to the College of Law if they teach fiqh courses in the fiqh section.

Given their appropriate sharia training, and comparative experience studying abroad, the College of Law will benefit from having a better harmony between professors in different sections.

2. Scholarship Program

Almost all lecturers at the College of Law are on scholarships in common law countries including the United States, the United Kingdom, and Australia. This raises several issues. First of all, as described earlier, Saudi Arabia uses a combination of sharia and civil law, while these countries use the common law system and none of them use sharia as a source of law. The structure of the College of Law follows the civil law educational system, and the organization of legal topics is structured according to their judiciary jurisdiction, influencing the way students build their legal knowledge. Also, legal practice is different in common law countries than Saudi Arabia, which follows a model that is similar to the practice in civil law countries such as Egypt and Jordan.

Another issue is related to the languages that are used in legal education. Lecturers are studying in English speaking countries. This means they are spending four to seven years mastering another language and its legal terminology. Furthermore, since lecturers are pursuing academic, research-based degrees, they are expected to be proficient in writing and researching in these countries according to their academic legal writing and research methodology. The language of instruction at the College of Law, however, is Arabic. Arabic is the official language of Saudi Arabia and all its laws and regulations are written in Arabic. Therefore, legal professionals are expected to master Arabic in general and Arabic legal terminology specifically in order to work effectively

in the legal field. Moreover, academics should be familiar with academic legal research and writing methods in Arabic. The confusion between lecturers' preparation and teaching will be reflected in their teaching skills when dealing with Arabic legal books.

3. Foreign Professors

Besides Saudi professors and lecturers, there are several foreign professors at the College of Law. Foreign professors must hold doctorate degrees in law from their home countries. The College of Law has recruited professors from Jordan and Egypt. Jordan and Egypt are similar to Saudi Arabia since Arabic is the official language of the country. Arabic is also the language of instruction in legal education in both countries. Another similarity is that both Jordan and Egypt have a legal system that is based on the civil law system and also combines sharia to some extent. Law professors from Jordan and Egypt, therefore, are also familiar in general with Saudi law as it uses both civil law and sharia.

Although foreign professors are trained in civil law countries and have pursued their higher legal education in Arabic, they lack the knowledge about Saudi law. While their previous training suggests that they are familiar with the overall structure of the legal system in the country, they were never exposed to specific applications and practice in the Saudi legal system. They are, nevertheless, expected to train their students to master the law according to the Saudi legal system.

Another issue is that non-Saudi professors are hired based on limited period contracts. That means they cannot gain tenure, and they have to leave the country once their contract is expired. Some of these contracts are only for the period of an academic year, with the option to be renewed yearly. Another problem with their contracts is that

there are different financial benefits and incentives compared to their Saudi colleagues in the same college and section. The issue this situation creates is that foreign professors will spend the first years understanding the Saudi legal system, but then possibly have to leave the country once they become experts in the Saudi law of their field or topic. This situation will also discourage them from being active in the academic life, especially when it comes to research and writing, since it will generate no benefits. The overall feeling of inequality in salaries, incentives, and also administrative positions will have an impact on their loyalty, motivation, and involvement in the College of Law.

That being said, foreign professors play a very important role filling in the shortage of Saudi professors especially in some legal areas (see chart above). They are also bringing some needed diversity to the College of Law, which enriches the legal and educational experience not only for the students but also fellow colleagues. Nevertheless, foreign professors should be chosen carefully and to teach specific courses. These courses should be limited to legal areas that have a common approach such as international law. In other words, foreign professors should not teach courses that are specifically related to the Saudi legal system such as constitutional law, or courses that have a practical aspect such as civil procedure as it requires familiarity with not only the laws and regulations but also the judiciary practice in Saudi courts. Last but not least, foreign professors' contracts must be more favorable and carry some job security and equality to motivate and encourage them to participate effectively in the overall academic environment at the College of Law.

4. Professors and practical experience

In Saudi Arabia, it is not expected from law professors to have achieved major success as legal professionals before pursuing academic positions such as previously being judges in appellate courts or partners in major law firms. Law professors, however, usually have some sort of practical experience as legal professionals before they start their academic career.

In the College of Law, however, law professors have almost no practical experience as legal professionals at all for several reasons. First, as stated previously, lecturers are hired after the completion of their bachelor's degree. One of the requirements for applicants for lecturer positions is that they must have graduated less than three years ago from the day they apply for lecturer positions. Second, after they get hired, lecturers spend the next several years abroad pursuing their master's and doctorate degrees, which are academic and research based degrees. Despite the difficulty of learning in a different language and all the visa requirements, practicing abroad will not prepare lecturers to train their students for practice in Saudi Arabia as the legal system, sources, and even the language are different.

The same thing can also be said about foreign professors. Arabic universities follow a similar recruiting policy as Saudi universities hiring lecturers after their bachelor's degrees. Even if foreign professors have some practical experience in their home countries, it is not relevant to the Saudi legal system.

Even though the College of Law can, theoretically, hire legal professionals such as lawyers or even judges as adjunct professors to teach a class or more likely practical

classes, for an unknown reason the College of Law has not hired any adjunct professor so far.

This situation can easily be solved by adopting several methods. First of all, Saudi law professors should be encouraged to practice law within the College of Law. This can be achieved by starting Legal clinics in which students are trained in a legal area under the supervision of a professor for credit hours. Legal clinics will generate many benefits—professors will practice law and become familiar with the practical aspect of the courses they teach, students will gain a great opportunity to be exposed to real life practice experience before graduation, and one of the College’s goals of serving the community will be achieved. Another solution is to promote pro bono practice, which can achieve the same benefits as legal clinics, but without the opportunity for credits. Also, the College of Law can cooperate with the general sharia courts in Madinah to introduce the practice of judges’ clerkship programs especially during the summer. Last but not least, the College of Law can also hire practicing lawyers or judges to teach some practical skills classes.

D. The College of Law Environment

1. The Building

Since it is a new college, the College of Law does not have a separate building within the Taibah University campus at this time. The dean, administrative staff, and faculty offices as well as classrooms are located in different buildings at other colleges within the campus. Although this situation is understandable given that the College of Law is one of the newest additions to Taibah University, the College of Law should have a separate building as soon as possible to provide the best possible experience for students. The building should have some specific features such as technological classrooms, a moot court room, and a multi functional library.

Classrooms at the College of Law should be equipped with technological features such as computers and projectors which should be use to demonstrate visual aids for students such as slides during the lecture. Moreover, some classrooms should be designed to accommodate a large number of students while others should be designed for smaller courses in order to facilitate the teaching of skills based courses.

The College of Law should also create a moot court room that resembles courtrooms in Saudi Arabia. The moot court room could also be used for practical and skills training courses, such as trial skills courses. In these courses, students can participate in a simulation of real life legal practice, which will help familiarize students with the actual judicial environment when they graduate and become prepared to practice law on a professional level.

The moot court room can also be used as a venue for real cases. The College of Law can cooperate with general or administrative courts or other judicial committees in

Madinah to host some of their cases or sessions inside the College of Law, which will provide a learning opportunity for students.

Last but not least, the College of Law building must have a multi functional law library. While providing resources, especially in Saudi law, would be a challenge for the library due to the shortage of Saudi legal books and journals, the real challenge would be creating a study environment for students inside the library. The issue in Saudi Arabia is not unique to law schools, as the education of students from the earliest level does not rely on libraries as an educational tool. University level students in general, regardless of their major, rarely visit libraries to borrow books or journals or even to study as individuals or in groups.

Nevertheless, law students must be familiar with libraries and using resources since it is a main part of their professional life after graduation as legal professionals. Thus, it will be a challenge for the College of Law to change the mindset of students and encourage them to visit the library.¹¹⁶ The library should be designed in a way that inspires students to spend time inside studying or discussing with their peers. It should also have meeting rooms to be used by students for study groups or other meetings. The College of Law should also have vending machines or a coffee shop so students do not need to leave the building during their breaks and spend time inside the library.

¹¹⁶ DR. IMAM, *supra* note 89, at 19.

2. Students activities

Currently, the College of Law has only one student organization, the law club at Taibah University. The law club is strongly supported by the administration of the College of Law and by the student affairs office at Taibah University.¹¹⁷ The law club has held several activities for students such as a legal book fair, a visit to the Shura council, and several legal lectures and conferences. While this situation carries a lot of advantages for members of the law club as it centers all of the college's resources towards one student organization, it also has some disadvantages that affect the student experience at the College of Law.

First of all, centering all resources in one student organization limits the scope of diversity in student activities. On the other hand, having multiple student organizations would bring diverse activities to the college and enhance its environment. Therefore, the College of Law should promote and support creating several student associations based on students' interests. For example, students could start new associations that create activities related to family, sports, or IP law.

Having only one student organization, the law club, limits students' opportunities in serving as executive members in a student association during their college life—all students at the College of Law have to compete over a handful of positions. These leadership positions in student organizations are important for students to practice useful administrative and leadership skills.

¹¹⁷ The dean, assistant dean, and all the faculty members of the College of Law were present at the launch of the law club.

3. Career Services

Another important part of the College of Law environment and students' experience is having a career services center. Currently, the College of Law does not have a career services center. However, it is essential to establish a center for career services that assists students in several ways. First, the career services center can support students in finding summer internship opportunities. With the College of Law resources and contacts, students can have better opportunities finding summer internships not only in Madinah, but also in other cities where major companies and law firms are located such as Riyadh and Jeddah. The involvement of the College of Law would ease the process for both students and interested companies and law firms looking to hire students for summer internships.

Moreover, career services can assist students in finding jobs upon their graduation. This can start by teaching students to write their resumes and build on them throughout their college life. Furthermore, students can be prepared to be master interview skills and even professional dress codes and etiquettes. The career services center might also invite employers and host recruiting interviews at the College of Law campus during students' last semester of study.

Another role the career services center can play is to be the link between the College of Law and the legal market.¹¹⁸ This role should include research on trends in the legal market.¹¹⁹ It should also include investigating what skills are important for success as legal professionals. All of this should be reflected in the College of Law curriculum in order to assure that graduates from the College of Law will have the required skills to

¹¹⁸ DR. IMAM, *supra* note 89, at 19.

¹¹⁹ *Id.*

succeed as competitive applicants for the best positions in the national and international legal market.¹²⁰

¹²⁰ *Id.*

CONCLUSION

Legal education reform is a hot topic today. However, legal educators in Saudi Arabia generally avoid discussing this important topic. Although legal education in Saudi Arabia is unique and complex, it is very hard to find academic literature about it. Most of the available research is a mere paragraph or even sentences within a paper about a different topic. This thesis offers a brief description of the overall legal education system in Saudi Arabia.

Furthermore, the main purpose of this thesis is to examine the current law program at the College of Law at Taibah University to evaluate whether or not it prepares graduates for the opportunities available in the legal market.

Although graduates from the Bachelor of Laws program meet the academic requirements for most legal jobs in the Saudi legal market, they lack basic skills to succeed in today's intensely competitive legal market. The College of Law must put all of its resources to good use to ensure that graduates are not only qualified, but are preferred by employers in the legal market.

In order to achieve this goal, the College of Law should open the door for professors to provide honest, deep, and realistic criticism of the current Bachelor of Laws program and to work hard using the current resources to solve them. As discussed in this paper, some of these issues are related to students, curriculum, professors, and the school's environment. While some of these changes might be costly, it is possible to adopt other changes with low or no costs at all.

Moreover, the College of Law should start an interactive relationship with the legal market in which the school learns the current trends and changes in the legal market. The College of Law should also update its curriculum and practice in legal

education based on the market feedback to ensure that graduates are well prepared to compete for the best opportunities.

Last but not least, this paper calls for legal educators in Saudi Arabia in general, and for law professors and lecturers at the College of Law especially, to discuss and write about our current practice of legal education. While this paper does not claim to provide the ultimate solutions, it can be used as a starting point for a more active legal education research and dialogue in the country. While legal educators might agree or disagree with some of the issues or solutions presented in this paper, the main goal is to offer solutions that work within the current situation and to spark academic research in the area of legal education.

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