

# Master in Commercial Law

## Course Descriptions

### Programme Compulsory Courses

#### **LAW 701 - Research Methodology**

The course includes an overview of legal research, its definition, and methods starting from the preparation phase, selecting the research topic, the process of gathering sources and references, the reading and meditation phase, the legal writing phase, and finally the discussion and printing phase.

**(Prerequisite: None)**

#### **LAW 722 - International and Local Commercial Arbitration - in Depth E**

The study programme for this course includes the choice of one of the Commercial Arbitration subjects, an in-depth study and analysis e.g. studying the issuance of the arbitration award, the provisions applicable to its validity, specifying the law applied by the tribunal to the dispute, and the cases where the award may be considered invalid or alternatively valid and enforceable within a given mechanism.

**(Prerequisite: None)**

#### **LAW 821 - Trade Companies - in Depth**

This course includes a general and a focused programme. The general programme includes the study of trade companies according to Bahraini Companies Law and their types: foreign companies, holding companies; and joint investment companies in terms of their composition, management and mergers, bankruptcy, its provisions and terms, and how to manage bankrupt funds, the bankruptcy authority, and finally, the preventive conciliation from bankruptcy. The focused programme includes detailed analytical and comparative study of a topic from the public programme, such as the company's contract: general partnership, the one-person company, the joint stock or holding companies, etc.

**(Prerequisite: None)**

#### **LAW 822 - The Laws of Stock Market, Securities and Investment**

This course discusses the provisions relating to the stock market, market objectives, its establishment, and the market's legal identity. It also includes market management, its board, its manager and staff, the competent authorities, the disciplinary committee and arbitration, market members, conditions of membership, and supervision. The course further contains the trading of securities in the market, market finance, and the mechanisms used by the market and adopted by the Bahraini legislature as per Decree No. 4 of 1987 on the establishment and organization of the Bahraini stock market and its internal regulations.

**(Prerequisite: None)**

#### **LAW 823 - The Law of Finance and Banking Contracts**

This course includes a general and a focused programme. The general programme includes the study of foreign investment, the host state for investment, the characteristics of multinational companies, investment companies, forms of contract, and the types of foreign investments, whether direct (shared with a national or wholly-owned by the foreign investor) or indirect (in the field of manufacturing and production, or in international licenses and concession contracts). Investment granting agencies, the conditions and procedures for investment projects, and the exemptions for investment projects, especially in terms of the Free Trade Agreement (rendering international trade free of customs duties, taxes and fees), in addition to means of foreign investment dispute resolution are also covered. Secondly, it includes the study of the stock market (stock exchange), the trading of securities (stocks and bonds), and how to protect the shareholders' rights. The focused programme deals with the detailed and analytical study of general programme topics such as direct and indirect foreign investment, and means of investment disputes resolution. It also reviews the International Bank for Reconstruction and Development Convention on the investment disputes resolution between states and nationals of other countries for the year 1965, or the Bahrain Stock Exchange and the procedures of trading.

**(Prerequisite: None)**

### **LAW 824 - International Trade Contracts - in Depth E**

The curriculum for this course includes a general programme and a focused programme. The general programme involves the study of the definition of the World Trade Organization and its goals and challenges, free trade in goods and services, faulty policies, the settlement of international trade disputes, the definition of the law of international trade and its subjects, multinational companies and how to conclude international trade contracts. It is intended to clarify international trade and the ruling standards of contracts, samples of some of the international commercial contracts (such as technology and contracts of industrial licensing for transfer and development contracts) for processing projects. It also contains a study on international trade in international conventions such as the United Nations Convention on the international transport of goods and law (UNCITRAL), and international commercial arbitration. The special programme contains a detailed study of the general programme topics, such as technology and contracts of commercial licenses and international transport of goods contracts.

**(Prerequisite: None)**

## **Programme Elective Courses**

### **LAW 711 - Civil Law – in Depth**

This course includes the study of the judge's authority to modify the contract – as an in-depth analytical study – in terms of studying the legal concept in amending contracts, and to distinguish it from other legal forms, and define the criteria in which the contract is amended, both in its conclusion or when there is a breach of its implementation or during the implementation phase.

**(Prerequisite: None)**

### **LAW 712 - Philosophy of Law**

This course includes the topic of determining the basis of the law, the nature of positive law, its applications and problems, as well as the idea of the right as a component of legal study, in terms of its definition and nature, and the relationship between philosophy of law and fundamentals of the interpretation of law.

**(Prerequisite: None)**

### **LAW 713 - Interpretation of law**

This course handles the meaning of interpretation, its necessity, elements of legal text, and the significance of words as understood in the text. It then displays the reasons for interpretation in terms of the ambiguity of the text, contradictions and shortcomings. It also includes ways of verbal and deductive explanation and the wisdom of the legislation.

**(Prerequisite: None)**

### **LAW 714 - Evidence Law in Civil and Commercial Matters – in Depth**

This course discusses the study of evidence used for legal proving or denial by opponents and the authority of the judge to admit them or not. It is an in-depth analytical study of the legal proof of evidence which distinguishes it from other non-legal evidence and legal systems. It also addresses the implementation of national provisions after having gained the force of res judicata.

**(Prerequisite: None)**

### **LAW 717 - Informatics Law E**

This course consists of four parts:

Part one is a general programme dealing with the legal framework of information technology, as highlighted by modern communication methods dealing with protection, communication and information. This part also tackles ancestral rules which stipulate model law, e-trade, and also the legal system for information organization in the Kingdom of Bahrain. Part II handles the topic in depth, and deals with cases such as protecting personal data from the dangers of modern technology and liability for acts that may endanger

personal interest in the field of information protection of intellectual property in modern communication and information.

**(Prerequisite: None)**

### **LAW 733 - Special Criminal Legislation**

This course includes a study of the most important criminal legislations in the Kingdom of Bahrain, their philosophy and rationale. It also includes an analysis and an in-depth study of the novel procedural phenomena dealt with in some criminal legislations, such as the crimes of human organ transplant or human trafficking in terms of their size, type, foundation, penalty, dimensions and relations to organised crime.

**(Prerequisite: None)**

### **LAW 734 - Economic Crimes**

This course includes a general and a focused programme. The general programme includes and highlights the study of economic crimes such as money laundering, forgery of banknotes, damaging the national economy, and their prevention/solutions. The focused programme deals with one of the economic crimes affecting the national security in addition to a detailed, analytical and comparative study of a topic from the general programme, such as money laundering, and means to counter this act in Bahrain. It also includes a study of one of the electronic crimes.

**(Prerequisite: None)**

### **LAW 781 - Jurisprudence of Transactions – in Depth**

The course discusses the provisions relating to the definition of Islamic banks, their establishment, their legal regulation and activity and the characteristics that distinguish them from non-Islamic banks. It also addresses their management, activities and control by the Sharia Supervising Board. It further includes a presentation of the legal rules contained in the Decree of the Establishment of the Islamic Bank of Bahrain, issued by the Bahraini legislator as per Decree No. 2 of 1979, to establish a joint stock company under the name (the Islamic Bank of Bahrain) (B.L.L), and published in the Official Gazette No. 1322 issued on 15/3/1979.

**(Prerequisite: None)**

### **LAW 811 - Alternative Means of Dispute Resolution E**

This course deals with the various alternatives disputants may resort to in order to resolve their differences other than litigation. The course paves the way for students to closely identify the methods they may utilise to tackle the dispute, whether by reconciliation, mediation or arbitration as a last resort. In doing so, the students come across the rules applicable to such dispute settlements, be it the model laws availed by (UNCITRAL), (ICC) or international institutions.

**(Prerequisite: None)**

### **LAW 812 - Intellectual Property Laws – in Depth**

This course addresses the term of intellectual property and explains and analyses its most important applications, such as commercial brands. It includes brand property and protection, as well as patents, the proprietary system, legal protection, trade names and industrial designs.

**(Prerequisite: None)**

### **LAW 820 - Special Topics in Commercial Law**

The course includes novel disciplines in one of the topics of commercial law.

**(Prerequisite: None)**

### **LAW 825 - Commercial papers – in Depth**

This course includes a general and a focused programme. The general programme includes the study of commercial papers in terms of their definition, characteristics, and types (bill, check, bond order) and also the study of the electronic bill of exchange, electronic checks, documentary bills and magnetic cards. The focused programme includes a detailed analytical study of one of the topics from the general programme, such as

commercial bank operations, due to the prevailing importance of banks in economic life. It addresses processes, such as deposits, bank accounts, current accounts, letters of guarantee, and letters of credit, in accordance with the decisions of the International Chamber of Commerce in Paris in the publications number (500 for the year 1993-and 600 of 2006)

**(Prerequisite: None)**

### **LAW 826 - The Law of Illegal Business Competition - in Depth E**

This course is designed to take up the provisions related to lawful competition, monopoly of nations' fortunes and risks attracted by such monopolies.

The course also deals with the ways and means to filter competition from the hurdles it faces by defining this concept in socialism, capitalism, and according to Islamic Sharia principles.

Furthermore, the course highlights the aspects of monopoly and their effects, identifying the tools utilised to protect lawful competition against monopoly on the national and international level.

**(Prerequisite: None)**

### **LAW 827 - Maritime Law - in Depth**

This course includes a general and a focused programme. The general programme includes the legal system of shipping and the cassations, mortgages and maritime impounding in addition to the study of maritime personnel, accidents, and insurance and marine dispute resolution through arbitration. The focused programme includes a detailed and analytical study of a general programme topic, such as maritime sales CIF, FOB, maritime mortgage contracts and multimodal transport.

**(Prerequisite: None)**

### **LAW 828 - Space and Aviation Law**

This course includes a general and a focused programme. The general programme includes the legal system of the aircraft in terms of its definition, personnel (air/land crew), air transport of people and goods according to the Chicago Convention, the responsibility of an air carrier for damages, fatal injuries and delays in the transport of people and goods according to the Warsaw Convention and the Montreal Convention. The focused programme includes a detailed and analytical study of a general programme topic, such as air carrier liability in Bahrain's Civil Aviation Act and the Montreal Convention of 1999.

**(Prerequisite: None)**

### **LAW 829 - E-commerce Law - in Depth**

This course includes a general and a focused programme. The general programme includes the definition of e-commerce, e-contracts, how to conclude e-contracts and protections of e-contracts. It also includes the means to evidence mail editors and their evidential force. The focused programme includes a detailed and analytical study of the provisions of the Bahraini Electronic Transactions Act of 2002, and discusses e-commerce related laws, such as the model (UNCITRAL) law on Electronic Commerce, and the unified (UNCITRAL) rules on electronic signatures.

**(Prerequisite: None)**

## **Pre-Master Courses**

### **LAW 111 - Introduction to Law**

This course is a general and integral introduction to the study of law. It deals in the first section with the general theory of law in terms of its definition, its origins, characteristics, basis, divisions, sources, interpretation and application. The second section deals with the general theory of the legal right in terms of its definition, types, its holders, placement, sources, use, and prescribed protection.

**(Prerequisite: None)**

### **LAW 112 - Sources of Obligation**

This course includes a study of 'sources of obligations' in Bahraini civil law. It includes a general introduction to the definition of civil law and different themes, the foundations of public trends, and includes the study of voluntary sources of obligations. It deals with the study of the contract in terms of its definition, milestones, conditions of conclusion, validity, interpretation, effects and termination. Then it addresses the individual will as a source of obligation, and the promise of reward as the leading application of the theory of individual will. It also addresses involuntary sources such as the harmful act (unlawful act) in terms of the responsibility of the person about their acts, the acts of others, and the arising responsibility towards things. It also includes the study of the useful act (unjust enrichment) as a general rule and study gestation, undue payment, as an application of the theory of unjust enrichment, and finally the study of law as a direct source of obligation.

**(Prerequisite: None)**

#### **LAW 121 - The Principles of Commercial Law**

This course includes studying the general principles of commercial law, the extent of its influence by globalization, and its importance to other disciplines such as accounting, business administration and others. It also includes the study of business theory and the practical effects of its application in reality. It includes the study of commercial contracts, especially road transport contracts, commercial mortgages, and commercial mediation contracts (the agency, the commission agency, brokerage, and commercial representation). It also discusses the natural and moral trader (the company) in terms of their conditions, professional obligations, career, and finally the business premises.

**(Prerequisite: None)**

#### **LAW 413 - Civil and Commercial Code of Procedure**

This course includes a definition of the Law of Civil Procedure, its development, sources, and its connection with other laws. It also includes the study of the judicial organization in terms of the formation of the courts, the levels of litigation, the judiciary, and the rules of jurisdiction. It also addresses the case theory, the study of litigation, and the study of judicial awards and challenge methods.

**(Prerequisite: None)**

### **Thesis**

#### **LAW 800 - Thesis**

A research supervised work based on an approved topic in law or commercial law. This course is considered a capstone in the Master of Law or Commercial Law programme. It provides an opportunity to the students to conduct an independent learning and research work based on structured methodology. The thesis focuses on senior level skills to be addressed in terms of progressive intellectual discourse including research problem identification, research methodology, literature review, data analysis, research conclusion and recommendations. The final production of manuscript is subject to public defense and evaluated based on written and oral presentations.

**(Pre-requisite: 24 Credit Hours)**

