

Programme Structure (Commercial Law)

Course Descriptions

Programme Compulsory Courses

LAW 701 - Research Methodology

This course discusses the legal research methodology based on the scientific research curricula in general and the legal research curricula in particular. The course also addresses the reality of legal studies and the necessary qualities in the legal researcher. Furthermore, the course touches on the concept of scientific research, its significance, objectives, practises, the development of scientific research, the types of scientific research and the concept of legal research. Moreover, the course instructs the researcher in the mechanism of selecting the research topic and problem, developing a plan and collecting scientific material and writing. The course presents the art of legislative drafting, jurisprudence and the review of jurisprudential opinions.

(Prerequisite: None)

LAW722 - International and Local Commercial Arbitration - in Depth – E

This course aims to provide students with necessary legal knowledge in local and international commercial arbitration, according to the commercial and international arbitration legislation in Bahrain and comparative law. The course targets also preparing elite of legally versed persons particularly in commercial arbitration, hence responding to society and labour market needs in Bahrain and GCC countries, and to Provide local and Arab commercial arbitration centres with legal cadres who are specialised in arbitration.

LAW 821 - Trade Companies - in Depth

The curriculum of this course includes a “general” programme and a “focused” programme. The general programme includes the study of commercial companies in terms of the company’s contract definition, the company forms and its formal and objective pillars. The focused programme includes the selection of one commercial companies’ subjects and in-depth analytical study, such as studying a single type of the commercial companies’ contract in terms of structure, its consequences that result in the emergence of a new legal person, its management, liquidation and termination.

(Prerequisite: None)

LAW 882 - The Laws of Stock Market, Securities and Investment

This course includes the provisions related to the concept of the stock market, its objectives and its growth, and the legal personality of the market, as well as the management of the market, its Board of Directors, and its functions, the market manager and staff, and the specialized approaches, and the disciplinary and arbitration committee, and members of the market, conditions and supervision of membership, listing and trading securities in the market. It also deals with market finance and the mechanisms used by the market, the depositing and clearing system, the statement of the financial intermediary concept. The course also presents the most significant commitments and clarifies the responsibility borne by the broker regarding civil and criminal aspect. A detailed description of the provisions adopted by the Bahraini legislator by Legislative Decree No. (4) of 1987 concerning the establishment and regulation of the Bahrain Stock Exchange and its internal regulations.

(Prerequisite: None)

LAW 823 - The Law of Finance and Banking Contracts

This course deals with traditional finance and banks, their prominence and the foundation for these banks to undertake various financing activities at the national and international levels. The course deals with the historical development of banking art and commercial banks as well as presenting the most direct and indirect facilities provided by banks, in addition to clarifying the concept of bank confidentiality and its relation to the crime of money laundering.

(Prerequisite: None)

LAW 824 - International Trade Contracts - In Depth - E

The curriculum for this course includes a general programme and specific programme. The general programme deals with the definition of the international trade contract and the World Trade Organization the settlement of international trade disputes, the definition of the law of international trade and its subjects. It is intended to clarify international trade and the ruling standards of formation of international contracts in different legal systems. The “specific” programme contains a detailed and analytical comparative study of one of the topics of the “general” programme, such as the contract of international sales.

Programme Elective Courses

LAW 711 - Civil Law – in Depth

The curriculum of the study includes medical work, which has undergone significant developments in the current era and the practice of modern scientific methods in the field of medical concerning examination, analysis, treatment or surgery. This caused many claims in medical liability and arose the patient’s right towards accepting or rejecting the medical work and problems resulting from that.

(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 functions and problems, as well as the idea of the right as a component of the legal study, in terms of its definition, its nature, and the relationship between philosophy of law and principles of law interpretation.

(Prerequisite: None)

LAW 713 - Interpretation of law

This course handles the meaning of interpretation, its necessity, elements of legal text, and the significance and concept in the text. It also displays the reasons for interpretation in terms of the ambiguity of the text, contradictions and shortcomings. It also includes methods of verbal and deductive interpretation and wisdom of legislation.

(Prerequisite: None)

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

This course discusses the study of all evidence that is legally recognised for proof or rejection by the litigants and the authority of the judge in the introduction of whether or not to admit them. It is an in-depth analytical study of the legal proof of evidence which distinguishes it from other illegal evidence and legal systems. It also addresses how national provisions were implemented after gaining the authority of the order.

(Prerequisite: None)

LAW 717 - Informatics Law - E

General section: it includes the study of the legal framework for information technology in the light of the modern communications revolution, by focusing the light on the protection measures of communication means and databases, awareness of UNCITRAL rules as well as the legal system of the General Authority for Information in the Kingdom of Bahrain.

Special Section: it includes specific study topics in-depth, such as protection of personal data from risks of modern communication Technology, liability for damages that will be affecting people who are involved in this field, and protection of intellectual property rights in the means communication and information.

LAW 781- Jurisprudence of Transactions in Depth

The course deals with the definition of the rules and provisions of the money and its divisions, ownership and causes, contract and its divisions, sales and their types, companies, bankruptcy, commercial papers, power of attorney, endowment, mortgage and bail.

(Prerequisite: None)

LAW 733 - Special Criminal Legislation

This course includes the study of the most critical criminal legislation in the Kingdom of Bahrain and the philosophy and justifications for its issuance. It also deals with the analysis and the in-depth study of new criminal phenomena which some of these special criminal legislations have addressed in particular crimes of trafficking in persons, and research in terms of elements and sentence, as well as in terms of size, types and forms, and their different dimensions and their relationship to organized crime.

(Prerequisite: None)

LAW 734 - Economic Crimes

This course includes an in-depth study of economic crimes in the Kingdom of Bahrain, related legislation, the philosophy and justifications of its issuance and significance, and criminal liability and its scope in the field of economic crimes. It also deals with the analysis and in-depth study of the new criminal phenomena in which economic crimes are committed, particularly in the field of information and technology revolution such as money laundering and the Internet and regional efforts to address economic crimes.

(Prerequisite: None)

LAW826 - The Law of Illegal Business Competition – In Depth - E

This module aims to provide the learners with critical knowledge and understanding related to illegal competition and monopolistic practices which affects the wealth of a country as well as the risks of monopoly and the ways of liberating competition from the oppressive regime, by introducing its concept in socialist and capitalist systems and Islamic law. It also covers the nature of monopoly and dumping and the effects of them, to protect the legitimate competition from monopoly and dumping at national and international level.

LAW 827 - Maritime Law – in Depth

This course includes a “general” and a “focused” programme. The general programme includes the study of maritime navigation in terms of definition, characteristics and types and the contracts to which the programme is related. The selection of one of the subjects of maritime law and its study includes an in-depth analytical study, such as the contract of maritime transport, where the provisions relating to this contract are studied in terms of the necessary conditions for the contract and its parties, how to hold the contract and the consequences thereof, and the study of the bill of lading and responsibility of the maritime carrier.

(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 deals with in-depth study of the electronic transactions law of Bahrain No. 28 of 2002, through the definition of electronic commerce and electronic contracts and the means used in the conclusion of electronic contracts, the formation of the electronic contract of affirmation and acceptance, and the law applicable to electronic contracts, and methods of protecting electronic contracts and the legal authenticity of electronic records and signatures.

(Prerequisite: None)

LAW811 - Alternative Means of Dispute Resolution - E

This in-depth look at all alternative means of settling disputes such as arbitration, conciliation, and mediation. It also pursues the definition of all these methods of disputes settlement and the differences between them. It furthermore covers the comparison between those methods and the normal litigation that conducted by the court.

LAW 812 - Intellectual Property Laws – in Depth

The course includes a general and particular programme. The general programme deals with an in-depth study of the legal nature of the intellectual property, whether literary, artistic, industrial or commercial property, its historical development and concept, the role of international conventions in the protection of intellectual property elements and how to enforce those rights in the national legislator. The particular programme addresses the most critical elements of intellectual property by explaining and analysing a detailed and in-depth study such as trademark in terms of concept, ownership system of the trademark, protection and its relation to the electronic address. **(Prerequisite: None)**

LAW 820 - Special Topics in Commercial Law

The curriculum of this course includes a “general” programme and a “focused” programme. The general programme includes the study of some subjects of commercial law, such as commercial companies and some means of payment in international trade such as documentary and letter of guarantee, commercial papers in terms of definition, characteristics and types. The focused programme involves an in-depth analytical study of one of the subjects of the adoption of the document, which is based on the principle of independence in the document. The purpose of this study is to examine the principle of independence of the Bank’s commitment to the adoption of the document and the study of fraud and invalidity as exceptions to the principle of independence.

(Prerequisite: None)

LAW 825 - Commercial papers – in Depth

The curriculum of this course includes a “general” programme and a “focused” programme. The general programme includes the study of commercial papers in terms of their definition, characteristics and types (bill of exchange, check, bond). The focused programme includes the selection of one of the in-depth analytical study topics of commercial paper, such as the creation and endorsement of a check, where the conditions for issuing the check are examined and the manner in which it is traded through the endorsement, types of endorsement and the conditions of each type, its effects and guarantees and termination, and the in-depth study of some new issues related to the checks.

(Prerequisite: None)

LAW 800 - Thesis

A research supervised work based on an approved topic in commercial law. This course is considered a capstone in the Master in 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-Master courses

LAW 111 - Introduction to Law

The course consists of two main sections: the first section is the theory of law, its concept, objectives, sections, divisions, sources and scope of application, the second section is the theory of the right, its definition, its types, its elements, and its sources and the place of the right and its protection.

(Prerequisite: None)

NLAW 221 - Principles of Commercial Law

This introductory course in Commercial Law addresses a wide range of topics and issues which are essential for understanding the way the law is used to regulate business and commerce. Topics include: the principles of Commercial Law, their emergence and development, and the definition and scope of Commercial Law. The course also focuses on searches of the commercial register and titles and encompasses the need to avoid illegal competition. Students also learn about various kinds of commercial contracts with reference to their provisions and types.

(Prerequisite: LAW 111)

NLAW 211- Sources of Obligation

This course deals with what is called in Bahraini civil law “resources of personal rights”. It tackles, in a general introduction, the definition of Civil Law, its different topics and the basics of its general directions. Also, it covers some of the voluntary sources of obligation, such as the contract, its definition, elements, conditions, validity, interpretation, effects and termination; the individual will as a general source of obligation; and the promise of a reward as the most significant practice of the theory of individual will. Moreover, it comprises non-volunteer sources, the most important of which is the harmful deed (illegal action) in terms of the responsibility of the individual for his/her own actions and/ or others’ actions; efficient deeds (wealth without reason) on a general basis, including preferences and paying what is not required, which is considered to be a practice of the theory of being wealthy without reason; and, finally, law as a direct resource for commitment.

(Prerequisite: LAW 111)

NLAW 412 - 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 methods of appealing.

(Prerequisite: LAW 210)