

*

:

:

The Islamic Banking Branches of the Usurious Banks

Ahmad Shehdeh Abu Serhan

Abstract

This research paper studies the Islamic banking branches of the usurious banks; their evolution, their significance, their validity, and finally their relations with their central banks.

During the paper, the researcher finds the illegality of that branches in the presence of Islamic banks while their legality in the absence of that Islamic ones. Moreover, it is allowable for the usurious banks to deal with those branches as a first step of switching their deals into Islamic form.

Keywords: Islamic bank, Financial Transactions, Islamic Jurisprudence.

*

. 2014/9/14 :

. 2014/4/27 :

.2015

©

:

:

:

.

:

-1

-2

-3

-4

-5

:
:
() -1
:
:
:
:() -2
:
:
:() -3
:
:
:() -4
:
:
:() -4

: -5

(21) -6

) : 63 _56 2001 (241)
: (:

:
:
: -7

.55 _51

:
:

:

-1

-2

-3

:

.

:

:

:

.

:

:

:

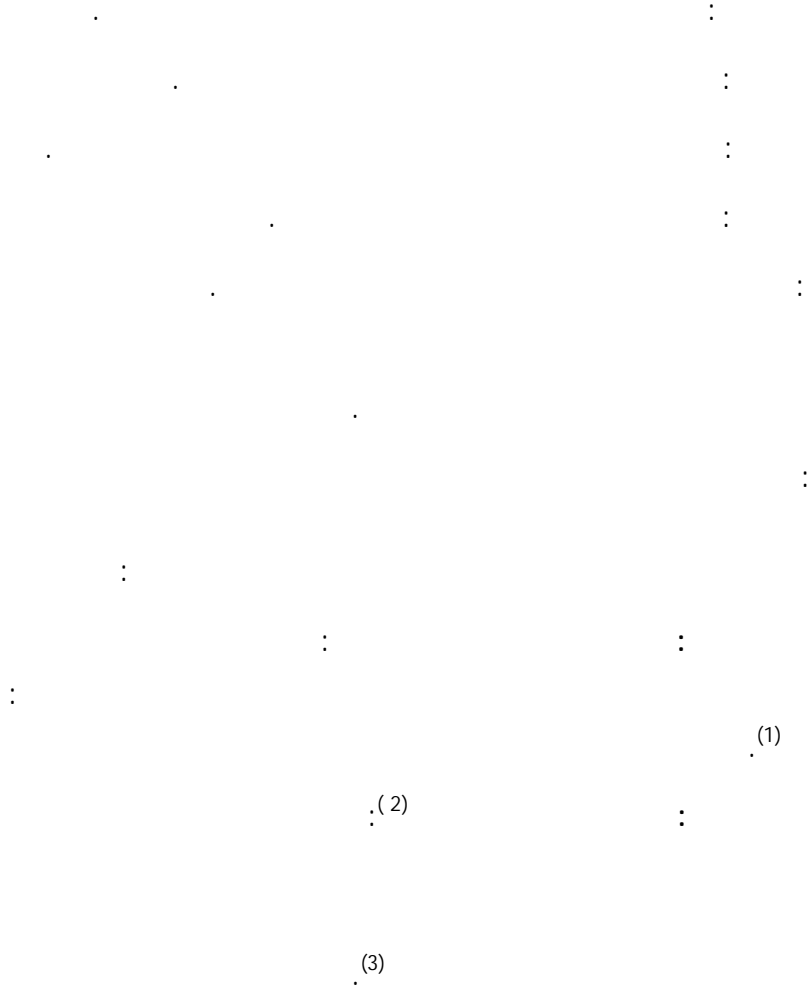
:

:

.

:

.



(4)
:

(UBK) (1980)
(1991)

(5)

:

(6)

:

:

"

:

" (7)"

(8)"

(9)

":

(10)"

":

(11)"

:

:

:

(1980) "

":

(12.529)

(47.307)

(516.000)

(3.964)

(12)

:

(13)

(200)

(1987)

:

(1990)

"

"

(1992)

(14)

:

(15)

:

ANZ ABN-Amro City Bank :
" (. . .) " " (16)
(17)"

:

(18) :

-1

-2

-3

-4

(19)"

-5

(20)

-6

:

-7

:

:
(21)

:

(22) :

-1

-2

-3

-4

.2015

:

-5

.(%10-5)

-6

:

.(23)

:

-1

(24)

:

-2

(25)

:

-3

.

:

:

:

:

:

(26)

(27)

:

:

(28)

-1

.

-2

.

:

()

(29)

"

-3

"

(30)

:

:

(31)

(32)

(33)

:

:

:

(34)

:

:

:

(35)

:

(36)

:

-1

(37)

)):

. [:161] . [] :

(38) ((

- -

-2

(39)

:

(40)

-3

(41)

	"	-4
	(42)"	
		-5
	(43)	
		-6
	(44)	
	(45)	
	(46)	
(47)		-1
(49)	(48)"	"
		-2
	(50)	
(51)		-3
		-4
	(52)	

		-5
	" (53)	
(54) "		
		-6
		(55)
		:
	:	
	(56)	:
		(57)
		-1
	:	-2
		:
	:	
		-1
		:

.

:

.

-2

.

...

:

.

-

.

-3

(58)

:

.

.

:

:

: -1

-2

-3

:(59) : -4

-

-

:

:

" :

(60)"

" :

(61)"

:

:

(62)

:2] . [

] :

(63)

. [

.(64)

-1

-2

-3

(65)

.

:

-

:

(66)

-

:

)

(

(68):

-1

:

-2

(69):

:

-

():

:

-

:

-

:

-3

	-4
.	-5
.	-6
.	:
(70) :	-1
.	-2
.	-3
.	-4
.	-5
.	-6
.	-7

:

:

:

:

-1

.

-2

.

-3

:

.

:

-4

- -

.

-5

.

-6

:

...

.

:

:

-1

.

-2

.

-

.

2

(1)

.336 2001

.336 (2)

(3)

.45 2006

- (4)
- 12 _11
www.kantakji.com/figh/banks.htm
.12 (5)
.341 (6)
.13
(1004 / 395) (7)
1
(1311/ 711) (8)
(248 8) (9)
" (21)
.33 2001 (240) (10)
9
www.kantakji.com/figh/Files/Banks/539.doc (11)
2010
www.kantakji.com/figh/ 3
banks/b0111.doc
1988 1 (12)
.33 32 .109
.33 32 (13)

(14)

()

.13 _12 1999

.18

.56 (15)

.10 (16)

:

.2 2001/3/18

<http://www.onislam.net/arabic/nama/work-fiqh/92846-2001-03-18%2000-00-00.htm/>

1 .33 (18)

.70 2004

1 (19)

.52 2002

.52 (20)

.11 -10 52 (21)

.34 (22)

.72 .35 (23)

": (24)

:"

.105 2012 4

) ":

(

: ."
2012 2
() .242
":
()
:"
.287
":
."
.400 :
":
.245 : ."
":
.294 : ."
": (25)
:"
.178 1994 2
":
.197 : ."

" :

()

.198 : "

" :

:

.260 : "

.35 34 (26)

.32 _31 (27)

(28)

: 1985

" .34 _33

"

.236 2001

.343 _342

.18 (29)

: 22 (30)

.17

.351 _350 (31)

.36 (32)

.100 (33)

(34)

.19 _18 : 238

(35)

.377 2001

): (36)

(

2 2006/1/27

<http://www.alrassxp.com/forum/t35174.htm/>

:

): (37)

(1304)

(

<http://www.awqaf.ae/fatwa.aspx?SectionID=9&RefID=1304> 2008/8/21

() (87) (38)

.(4467)

): (39)

.2 (

.54 52 (40)

.16

.228 .52 (41)

.54 (42)

.54 (43)

(44)

.377

: : " (45)
 (21) " .60 2001 (241)
 .60 _59 58 57 (46)
 (1096/ 490) : (47)
 .38 12 2000 1
 (1284/ 683)
 (795/ 179) .6 2
 .241 4 1
 1 (1285/ 684)
 .285 7 1994
 .42 3 1393 2 (819/ 204)
 (1058/ 450)
 8 1994 1
 (1223/ 620) .262
 1994 1
 (1479/ 884) .278 4
 .104 5 2003
 (1505/ 911) (48)
 (1562/ 970) .117 1959
 : .120 1968
 : .
 .47 1
 .60 . (49)

					.338				(50)			
					.16				(51)			
						.16			(52)			
					.338				(53)			
						.53			(54)			
						.53			(55)			
									(56)			
					2	2011/6/30						
						http://www.felesteen.ps/section/cat/6						
						.2			(57)			
					(1474/ 879)				(58)			
					.28	3	1996					
3								(1388/ 790)				
					.553	4	341	_340	2	1997		
									(1233/ 631)			
					.470	4	1985			1		
									(1261/ 660)			
					(1564/ 972)				.74	48	1	1990
1997						2						
									.66	3		
									.227			(59)
					.91				.88			(60)
					.89				.87			(61)
						.29	26					(62)

		(1456/ 861)			(63)
		(1825/ 1241)	.412	7	
	1				
	(1277/ 676)		.278	1 1995	
.320	5	1405			
			.220	3	
		.345	-344		(64)
1					(65)
			.544	2 1992	
.57					(66)
			.38	-37	
			.42		(67)
					(68)
	.340		.378	-377	
	.344	_343			(69)
			.341	-340	(70)