

عنوان مقاله:

Proposal for the Delineation of Functions and Liabilities of a Sharia Board

محل انتشار:

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خلاصه مقاله:

What is Islamic banking It may be astonishing to ask this question at a symposium devoted to it. Yet, one might argue that this indeed could be the best framework for this. Islamic banking is undoubtedly a system of banking, and must be consistent with the fiqh al muaamalat. This compliance is therefore of the very nature of Islamic banking. But who guarantees this compliance There is nothing to prevent the supplier who proposes a product from ensuring that it is compliant. However, what may be problematic is the value of its guarantee of conformity: the person who develops the product guarantees its quality . In short, he is judge of his own work. The question here is that of the credibility of such a guarantee. In practice, it is customary to dissociate the two aspects, and to entrust the verification to a sharia board An operation in Islamic banking would therefore be a financial transaction in compliance with fiqh al muaamalat, such compliance having been verified and guaranteed by a sharia board. One immediately perceives the importance of the role of this actor (the sharia board) in Islamic banking. What then is a sharia board It is most certainly a body vested with a certain mission! This answer is not satisfactory. Moreover, the poor execution of its mission by a sharia board would lead to it being held liable, which means that one ought to specify, even delineate the extent of this liability. The question then is twofold: what do we mean when we refer to sharia boards (I), and what is the liability of a sharia board (II)

کلمات کلیدی:

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