

الإجارة المنتهية بالتملك وصكوك الأعيان المؤجرة

DO NOT COPY

د. منذر قحف

**بحث قدم في دورة مجمع الفقه الإسلامي الدولي الثانية عشرة المنعقدة في مدينة
الرياض 21 إلى 27 سبتمبر 2000**

DO NOT COPY

مقدمة

DO NOT COPY

_____ ()

_____ ()

_____ (1)
(2)

Tom Clark, ed., *Leasing Finance*, Euromoney Books, Essex, Great Britain 1990¹

.1992

.1995

DO NOT COPY

القسم الأول
الإجارة المنتهية بالتملك

!

"

"

"

"

DO NOT COPY

(1)

(2)

(3)

.22 19

245 1

1

.33

2

.253

3

DO NOT COPY

:
()
()
()
()

:

()

2) %10) (.1

% 2 + Libor (.2

(.3

(1)



DO NOT COPY

(2

(2)

(1

(3



1

"

"

2

(2) "

(3) "

(4)

(5)

	.30	1
"	"	2
.17 16		3
		4
.48 47		5

(1)

(2)

(3)

(5 / 6) 44

()

DO NOT COPY

.1998

.53	1
.18	2
	3

" :

:

" .

(1)

(2)

()

DO NOT COPY

-
-
-

.4 " 1
: " 2
.29 18

()

()

()

()

()

DO NOT COPY

DO NOT COPY

:
: (1

: (2

86 /70 /3 / (1)

:

1407

DO NOT COPY

:

:

:

:

:

:

(1)

()

_____ :

/

/

_____ 1
.312 311 1997

DO NOT COPY

()

(12)

(3)

DO NOT COPY

_____ :

/

()

DO NOT COPY

(1409)

3 2

"
]" .
.[1988

DO NOT COPY

DO NOT COPY

()

DO NOT COPY

()

DO NOT COPY

(1) ()

(2)

(3)

.7 6	(1986/10/16 11)	1407/2/13 8	(1)	1
"	"	"	.68	2
		.5 2		3

DO NOT COPY

(1)

(2)

.32	31	1
.30	28	2

DO NOT COPY

()

DO NOT COPY

.()

)

DO NOT COPY (

DO NOT COPY

Liability Insurance

(1 :

(2

(3

DO NOT COPY

القسم الثاني
مكوك التأجير

تعريف

DO NOT COPY

(1)

تمهيد فقهي

:

1

: .1

.
.

":

(1)"

"

"

(2)"

"

: .2

(3)

(4)

DO NOT COPY

			1
.07/1/65		1412/11/12 7	2
.762 4			3
		.858	4

.

:

" ()

"

()

(1)"

()

"

(2)"

"

" (274 1)

DO NOT COPY

.376 2
.1994

540 5

1
2

DO NOT COPY

.3

(1)

.4

)

.(

(2)

)

(

(3)

.1881 187

63 60

1

137

2

.33

3

(1)

)

(2)

DO NOT COPY

.5

7/1/65

1412

.6

.742 4

1
2

.9

(1)

DO NOT COPY

.259 1

733 4 27 1

(1)

.12

DO NOT COPY

.13

(2)

1405 3

.190 3 1

" 2

" Some Economic Aspects of Mudarabah "

.1991 2 1

DO NOT COPY

DO NOT COPY

تحويل الإجارة إلى صكوك

.Securitization of Lease

" Securitization

(1)"

Adrian Miles, "An Introduction to the Securitization of Lease." In Hornbrook, Adrian, ¹
ed. Studies in Leasing Law and Tax, Euromoney Publications, London 1993, P.15.

23 18

5

.(1988 / 2 / 11 6) 1418

()

صور صكوك التاجير

:

1412

DO NOT COPY

..)

.(

DO NOT COPY

. % 10 % 1

underwriting

DO NOT COPY

.Operating Lease

(1)

()

.65 63 1

"

(1)"

"

(2)"

DO NOT COPY

conditional sale

1409

6-1

2

1

2

(1)

(2)

DO NOT COPY

()

Ramesh K. S. Rao, Fundamentals of Financial, Management Macmillan, N. ¹
pp. 709 – 710. Y.

. % 75 % 20
86/07/3 / (1) ²
(1986 / 16 – 11) 1407 13 – 8

DO NOT COPY

()

DO NOT COPY

Financial Lease :

DO NOT COPY

1412

()

(1)

DO NOT COPY

:

(1)

(2)

DO NOT COPY

.54	18	1
	.63	2

خصائص صكوك التأجير

DO NOT COPY

Bench Mark

Venture Capital

DO NOT COPY

:

(
.1

.2

Speculative

:

Speculations

DO NOT COPY

DO NOT COPY

.4

()

.()

()

.()

()

.()

()

()

:

$$(1) \quad (+1) \quad (\quad 1) \quad + \quad \frac{1}{(\quad +1)} = \frac{(\quad +1)}{(\quad +1)}$$

() ()

(1)

()

(2)

=

:

:

(3)

=

.5

DO NOT COPY

(

DO NOT COPY (3)

Bundle

Securitization of Leases

()

(4

:

(5

DO NOT COPY

(6

(1)

38 35

1