

وزارة التعليم العالي والبحث العلمي

الجامعة المستنصرية

كلية الإدارة والاقتصاد

قسم الاقتصاد

عقد المضاربة وإمكانية تطبيقه في المصارف الإسلامية مع إشارة خاصة لرؤية محمد باقر الصدر

رسالة ماجستير مقدمة

إلى مجلس كلية الإدارة والاقتصاد في الجامعة
المستنصرية وهي جزء من متطلبات نيل درجة الماجستير في
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من قبل

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بإشراف

الأستاذ المساعد الدكتورة

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**Investment contract and its applicability in
Islamic banks, with particular reference to the
vision of Muhammad Baqir al-Sadder**

Abstract

The aim of this study is to identify the contract "Mudarabah" under the doctrines of Islamic scholars and religious authorities, as well as information on the pillars and conditions of this contract, determine its contemporary types in Islamic banks, and monitor the use of this contract at these banks to identify the problems and obstacles, that stand in the direction of its application significantly in some of the Islamic banks, both those that are related to the nature of the investment contract (Mudarabah), or those that are related to Islamic banks themselves, that are related to economic environment, in which they are work, as well as constraints related to dealers with these banks, let alone the constrains by being subject to the laws and the legislation itself that are imposed on conventional banks.

The study started from the hypothesis that, the possibility of increasing the use of investment contract in Islamic banks, after the reduction of its problems and constraints in these banks.

The view or opinion of AL- Sead. Mohammed Baqir al-Sadr can be applied with respect to the investment contract in Islamic banks, because it contains solutions to the reservations received as reasons for not taking "Mudarabah" formula for Islamic banking.

To investigate the hypothesis of the study, it was divided into three chapters: chapter one discussed the fact of "Mudarabah", in the framework of three sections: the first one offered the nature of "Mudarabah" in Islamic jurisprudence, and evidences of its legitimacy, while the second section examined the evolution and importance of the

terms of “Mudarabah”, while the third section discussed the “Mudarabah” types and forms in Islamic banks.

The second chapter has addressed the possibility of increasing the proportion of the application of the investment contract in Islamic banks, through the three sections.

The first one addresses the investment contract and the extent of its application in Islamic banks today, while the second section, it has addressed the problems and constraints of the application of the investment contract in Islamic banks, The last section was titled towards the formulation and development of the investment contract.

The vision or opinion of AL- Sead. Mohammed Baqir al-Sadr in the possibility of application of the investment contract in Islamic banks is of great importance in this research, and for that reason, it was the title for the third quarter, which was discussed in three sections.

The first one dealt with the intellectual economic views of AL- Sead. Sayed Mohammed Baqir al-Sadr in its simplified lines, while the second section has discussed the proposed investment contract under the vision of AL- Sead. Sadr, while the last section has dealt with the potential application of AL- Sead. Sadr's vision for speculation proposed in the Islamic banks in Iraq.

The study has ended with a number of conclusions and recommendations.

In light of the conclusions, reached by the study, and relater to the hypothesis, the study finds the possibility of increasing the use of investment contract after the success of its use in some Islamic banks.

The version or opinion of AL- Sead. Sadr can also be applied with respect to the investment contract in his thesis “Non-usury Bank in Islam”, after the reduction of risks associated with this contract in these banks.

Given these conclusions, the study presents a set of recommendations, perhaps the most important of which was the possibility of relying on the formula of “Mudarabah”, because it is a formula consistent with the development of domestic economic performance in Islamic Economies, in return for reducing the work or use of the other modes, especially

“Murabaha” mode, because it may leads to distort the philosophy of Islamic banking, and being reflected on the Islamic system as a whole.

In addition, it has to work to reduce the risks of the application form of speculation in order to increase reliability in the investment of resources, especially after it became clear through the study that some Islamic banks, which have expanded the use of investment contract, has achieved high financial returns and profits, which reflected on the increase in production capacity and raise the developmental role to these banks in their countries.

Researcher