

AL-MA'ĀLĀT FRAMEWORK FOR ISLAMIC BANKS  
IN QATAR

BY

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## ABSTRACT

Al-Ma'ālāt which has a meaning similar to al-āqibah (mentioned in the Quran more than 30 times) is an authentic Islamic approach rediscovered by Al-Ghazali and Al-Shaṭībī. This does not deny the fact that the concept of al-Ma'ālāt was not present in the thought and practice of the Islamic jurisprudential discourse throughout Islamic civilisation. Al-Quradaghi in his book 'Al-Ma'ālāt as a basis for economic analysis' expands the concept to connect it within economic terms. The researcher used this book as a basic to expand the concept and connect it to Result Based Management (RBM) and Futurology (FS) to nurture an interdisciplinary approach that connects al-Ma'ālāt to all aspects of life such as political, economic, social, technological, legal, Shariah, and environmental. Using this methodology, the study presented the more encompassing theory of al-Ma'ālāt and suggested some actions to be taken to develop Qatar's Islamic banking sector. The researcher also presents two scenarios for its suggested framework as a road map for IB until the establishing for al-Ma'ālāt centre. The researcher applied the exploratory qualitative method, and the information used for analytical purposes was derived from primary and secondary sources. The primary data consisted of interviews with stakeholders in Islamic finance such as Sharī'ah Scholar, economists, clients, and senior management in Malaysia (due to it is expert country in the field of Islamic finance) and Qatar. The secondary data was sourced from resources in al-Ma'ālāt, RBM, future Studies, Qatar National Vision 2030, SDGs and ESG. This framework will help banks' management, Sharī'ah scholars and regulators to see the level of input, activities, output, outcomes, and long terms outcomes.

## خلاصة البحث

المآلات شبيهة من حيث المعنى بالعاقبة التي وردت في القرآن أكثر من 30 مرة، فالمآلات والنظر اليها واعتبارها هو نهج إسلامي اصيل أعاد اكتشافه الغزالي والشاطبي، ولكن هذا لا يعني انه كان غير موجود في فكر وتطبيق الحضارة الإسلامية، بل ان الأدلة تشهد على توافره واستعماله من قبلهم في كل مجالات الحياة. القره داغي في كتابه المآلات أساسا للتحليل الاقتصادي؛ قام بتوسيع مفهوم المآلات وجعله أساسا للتحليل الاقتصادي. فالباحثة هنا نحاول استخدام هذا كإساس لتوسيع المفهوم وربطه بالإدارة بالنتائج وعلم المستقبل حتى نستطيع الانطلاق إلى المجالات الأخرى مثل السياسة، والاقتصاد، والاجتماع، والعلوم التقنية، والقانون، والشريعة، والبيئة. من اهم نتائج هذه الاطروحة: تقديم نظرية عامة للمآلات واقتراح عمل مركز للمآلات على مستوى المصرف المركزي في قطر ليعمل على تطوير البنوك الإسلامية للوصول الى اعلى المستويات. كما قدمت الباحثة اطارين مقترحين لتكون كخارطة طريق للبنوك الإسلامية حتى يتم انشاء المركز المقترح. تم استخدام المنهج الوصفي الاكتشافي، وتم الاستفادة من كافة المراجع الاصلية والثانوية. المراجع الاصلية تم استخراجها من المقابلات مع كافة أصحاب المصلحة من علماء شريعة، او اقتصاديين، أو عملاء، أو إدارة عليا سواء في قطر او ماليزيا لكونها بلد ذات خبرة في مجال الاقتصاد الإسلامي. المراجع الثانوية تم استخراجها من أمهات الكتب العلمية والفقهية الموجودة في التراث الإسلامي والعالمي، بالإضافة الى المراجع في رؤية قطر 2030، والأهداف الإنمائية للأمم المتحدة، والحوكمة البيئية والاجتماعية. هذا الإطار من المتوقع ان يساعد إدارات البنوك، وعلماء الشريعة، والجهات الرقابية لرؤية مستوى التوقع في مجال المدخلات والأنشطة، والمخرجات على المستوى البسيط او المتوسط او طويل المدى. كما انه يعتبر إضافة علمية للمكتبة الإنجليزية لندرة المراجع في هذا المجال.



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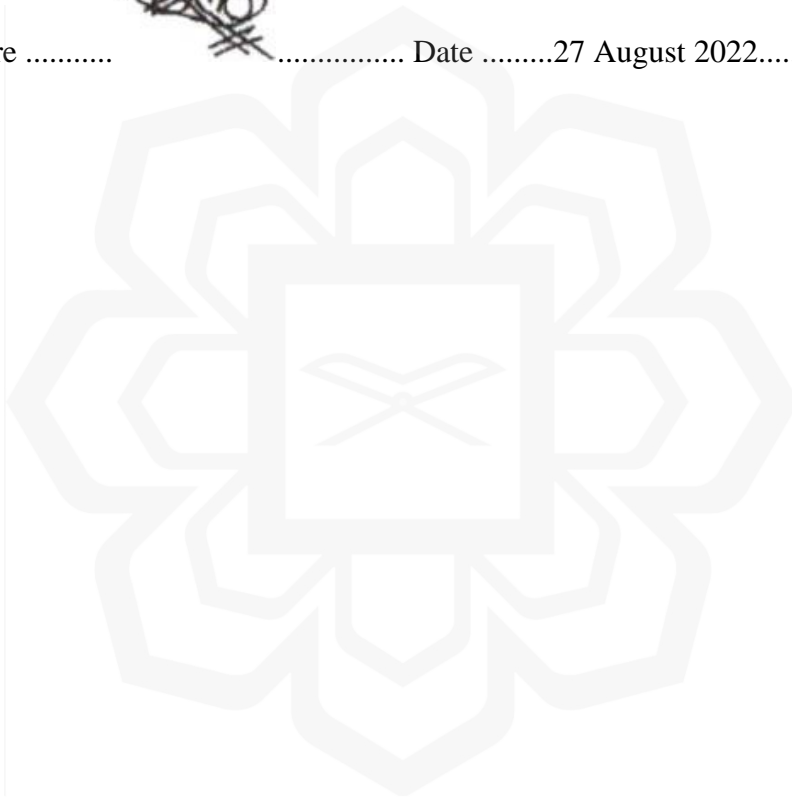
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## DECLARATION

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## LIST OF ABBREVIATION

RBM	Result Based Management
FS	Futurology Studies
CSR	Cooperative Social Responsibility
IB	Islamic Banks/ Islamic Banking
IF	Islamic Finance
QDB	Qatar Development Bank
QCB	Qatar Central Bank
FW	Framework



# CHAPTER ONE

## INTRODUCTION

### 19.1 BACKGROUND OF THE STUDY

Financial intermediation services as provided by banks today are not necessarily a modern phenomenon. Historical evidence indicates that as early as the third and fourth centuries BC, religious shrines cared for the savings of their depositors and provided loans<sup>1</sup>. Banking operations have also been “*practised in earlier pre-Islamic civilisations, such as the Roman, the Greek, the Egyptian and even Babylonian and Sumerian.*”<sup>2</sup>

The foundation of Islamic economics and banking was laid by the Prophet Muhammad (PBUH) and his companions based on Allah’s injunctions. The historical references in the ancient ages indicate various financial services developed by Muslim jurists.<sup>3</sup>

The comprehensiveness and profoundness of the Islamic economic paradigm follow the teachings of the Prophet Muhammad (PBUH), a special market for Muslims imbued with the necessary controls for transactions to eliminate fraud, injustice, monopoly, and usury.

Introducing new conceptual understandings in the Islamic Finance system, such as *the hawala* regime, promissory note, endowments-Waqf and legal personality, fair taxes and zakat, contributed vigorously to enriching the Islamic civilisation for more than 1000 years.

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<sup>1</sup> Chachi, Abdelkader. Origin and Development of Commercial and Islamic Banking Operations, J.KAU: Islamic Econ. 18. 2nd ed. Vol. 18, (2005), 21.

[https://www.kau.edu.sa/Files/320/Researches/51027\\_21164.pdf](https://www.kau.edu.sa/Files/320/Researches/51027_21164.pdf) , on June 24, 2021

<sup>2</sup> Chachi, Origin and Development, page 21

<sup>3</sup> Wikipedia, [https://en.wikipedia.org/wiki/Islamic\\_banking\\_and\\_finance](https://en.wikipedia.org/wiki/Islamic_banking_and_finance) , (accessed 15 Aug. 22)

As a science, many Muslim scholars contributed and are still contributing to the development of the Islamic economy, for instance, Abu Yusuf Ya'qub ibn Ibrahim through his book "Al- Kharaj", and Abu Obeid Al-Qasim ibn Salam through his book "al-Amwal", etc.<sup>4</sup>

The modern-day Islamic banking system is founded by the intellect of our new generation, which must succeed to produce Islamic content in a modern shape. Some books refer to the first attempt in "Pakistan 1950s in a rural area where a small experimental interest-free bank was founded by a small number of pious landowners who were prepared to deposit funds without interest rewards"<sup>5</sup>. Although the experiment was not successful, the idea of an interest-free bank also began in "Egypt in 1963 through Mit-Ghamr Islamic Savings Bank"<sup>6</sup>.

About the same time, in 1963, another successful experiment was birthed far away in Malaysia, where they started the Pilgrims Fund Corporation or Tabung Haji by providing Halal investment opportunities. In 1975, the Islamic financial system achieved a notable milestone with the opening of the Islamic Development Bank in Jeddah, Saudi Arabia. The success of the Dubai Bank established in 1975 led to the opening of several banks worldwide such as Qatar Islamic Bank in 1983.

Numerous notable efforts have also taken place in the other key segments of the Islamic financial services industry including the Islamic capital market, and Takaful. At present, "the combined total worth of the three broad segments of the IFSI is estimated at USD 2 trillion, compared to the USD 2.44 trillion recorded in 2019. In addition, the IFSI recorded a y-o-y growth rate of 10.7% compared to the 11.4% growth rate recorded between 2018 and 2019."<sup>7</sup><sup>8</sup>

Notwithstanding the growth of the global Islamic finance industry, there are also ongoing debates around a number of conceptual issues that could further entrench the

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<sup>4</sup> Bahnaz Alquradaghi, "Islamic Economic in the past", (The Newsletter Periodical, IMA, Qatar Chapter, page 4, (2014), <https://doha.imanet.org/aboutchapter/chapterboard14?ssopc=1>

<sup>5</sup> Chachi, Origin and Development, page 20

<sup>6</sup> Chachi, Origin and Development, page 19

<sup>7</sup> IFSB, "Islamic Financial Services Industry Stability Report 2021, <https://www.ifsb.org/download.php?id=6106&lang=English&pg=/sec03.php>

<sup>8</sup> Ibid. Page 11



prominence of Islamic finance in light of its foundational philosophy of economic justice. In this regard, there is a need to draw attention to the theory of Al-Ma'ālāt from broader conceptual perspectives with a multidisciplinary approach to give Islamic banks more impact, profitability and stability. This trend calls for considering the consequence of the outcomes of the effect and far-reaching implications of banking and financing models for all stakeholders such as Sharī'ah scholars, management, customers, the regulation and all ecosystem to maximise the benefits for the people to ensure that it serves the purpose of *maslahah*<sup>9</sup> (benefits) in all transactions while avoiding harms or hardships (*darar*).<sup>10</sup>

*Al-ma'ālāt* is not a new concept or invention; rather, it was known to humanity since Cain did not initially consider the fate of his actions. In chapter 2, however, the researcher presents a chronological and historical analysis covering several epochs when the concept of *Al-ma'ālāt* appeared and disappeared until it began to re-surface in our modern times.

The most illustrious theory for this matter that some distinguished scholars who associated such a theoretical paradigm with Fiqh *al-Ma'ālāt* is that of *al-shaṭībī*. He touched on the subject matter in his book entitled *al-muwafaqāt*. His unflinching devotion to the legitimate purposes, at the high-level, as well as his long-term objectives of the Sharī'ah system, subsequently led to a reorientation of attention to the consequences and results of the concept of *al-Ma'ālāt* as *al-Shaṭībī* inferred in his book. He thus was the first Islamic scholar who repudiated the nation of Islam on this fundamental concept of “*al-Ma'ālāt*”.

*Al-Shaṭībī* has adopted the principle of *fiqh al-ma'ālāt* as a general fundamental basis of Sharī'ah consideration. However, the jurisprudence of consequence, which scholars sometimes consider, has not been thoroughly investigated in the existing literature on Islamic finance, especially relating to Islamic banking.

This thesis provides a holistic view on the subject from a disciplinary approach by adapting the theoretical concept of *al-ma'ālāt* in a wider context as it was during the

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<sup>9</sup> مصلحة

<sup>10</sup> ضرر

Prophet's (PBUH) era. This is besides getting all the tangible benefits from other scientists and scientific knowledge pertinent to the subject. This thesis is considered a crucial academic journey presenting both theoretical and practical frameworks in the form of immense intellectual contribution to the Islamic banking regime with specific attention to the Islamic banking industry in Qatar which is the base of the researcher. It is envisaged that this effort offers hope and courage to future students to venture into systemic research in the field of al-ma'ālāt concerning Islamic banking and Finance. In addition, it would also provide answers to the following questions: Why do we need this practical framework, and what problems will it redress from the practical perspective in the Islamic Banking sector?

## 19.2 STATEMENT OF THE PROBLEM

The literature review illustrated that Islamic banks in Qatar have not reached their full potential in terms of product quality, profitability, customer awareness and satisfaction, and CSR activities. It also highlighted the need for an interdisciplinary approach for Qatari Islamic banks to realise their vision and mission.<sup>11</sup>

**At the level of profitability** some studies consider “that Islamic banks are less profitable in the real sense than conventional banks”.<sup>12</sup>

**Regarding products quality**, it seems that scholars not fully “look at the appalling consequences of the proposed banking product from the wider technical perspective.”<sup>13</sup>

**Public awareness and satisfaction:** There are misconception of the subject itself as a result concludes by calling on relevant stakeholders, for instance, the Central

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<sup>11</sup> Mustafa Omar Mohammed and Fauziah Md Taib, “Developing Islamic Banking Performance Measures Based on Maqasid Al-Shari’Ah Framework: Cases of 24 Selected Banks,” *Journal of Islamic Monetary Economics and Finance*, 2015, <https://doi.org/10.21098/jimf.v1i1.483>.

<sup>12</sup> Abdul-Jalil Ibrahim, “Empirical Findings on the Profitability of Banks in Qatar: Islamic vs Conventional,” *International Journal of Business and Commerce* 5, no. 4 (2016): 73, [www.ijbnet.com%0A](http://www.ijbnet.com%0A).

<sup>13</sup> “No Title,” accessed March 25, 2019, <http://ijbssnet.com/journals/11.pdf>.

Bank, to launch awareness campaign programmes purposefully to orient and enlighten the masses about the essence and fundamental purpose of Islamic banking.<sup>14</sup>

**CSR activities for Islamic banks:** In terms of achieving shared social responsibility, some believe that Islamic finance badly failed in accomplishing the objects of the Sharī‘ah.<sup>15</sup> Dusuki and Abdullah<sup>16</sup>, Farook<sup>17</sup>, and Dusuki<sup>18</sup> argued that the social responsibility of the Islamic financial institutions is at a low point globally. Most of the activities of Islamic financial institutions pertinent to shared social responsibility are restricted in terms of giving out zakat as well as some other disorganised charitable activities.<sup>19</sup> The researcher searched on the IB website for CSR report and sustainability report, she found only QIB CSR report for 2014<sup>20</sup> and for sustainability 2020<sup>21</sup>

The researcher argues that the current situation for Islamic banks in Qatar will reach their full capacity if they adopt al-Ma’ālāt as a holistic view for the IB at all levels starting from operational, products, and customer treatment, to name a few. Doing so will help the Islamic banking sector in Qatar achieve its full potential and help resolve several issues at the bank level, customer level and the outcomes of IB.

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<sup>14</sup> Kodun Abiah Fada and Bundi Wabekwa, “People’s Perception Towards Islamic Banking: A Field Work Study in Gombe Local Government Area, Nigeria,” *International Journal of Business, Humanities and Technology* 2, no. 7-December (2012): 121–31, [https://www.academia.edu/7616270/Peoples\\_Perception\\_Towards\\_Islamic\\_Banking\\_A\\_Field\\_work\\_study\\_in\\_Gombe\\_Local\\_Government\\_Area\\_Nigeria](https://www.academia.edu/7616270/Peoples_Perception_Towards_Islamic_Banking_A_Field_work_study_in_Gombe_Local_Government_Area_Nigeria).

<sup>15</sup> B Sairally, “A Study on the Corporate Social Responsibility of Islamic Financial Institutions: Learning from the Experiences of Socially Responsible Financial Institutions in the UK.” (Loughborough University, 2005).

<sup>16</sup> Asyraf Wajdi Dusuki and Nurdianawati Irwani Abdullah, “Why Do Malaysian Customers Patronise Islamic Banks?,” *International Journal of Bank Marketing* 25, no. 3, April (2007): 142–60, <https://doi.org/10.1108/02652320710739850>.

<sup>17</sup> Syed Farook, “On Corporate Social Responsibility of Islamic Financial Institutions,” *Islamic Economic Studies* 15, no. 1-July (2007): 31–46.

<sup>18</sup> Asyraf Wajdi Dusuki, “Ethical and Social Responsibility Models for Islamic Finance,” *ISRA Research Paper*, no. 28 (2011): 1–38, <https://ifikr.isra.my/library/pub/215>.

<sup>19</sup> Ruslan Sabirzyanov and Mohamad Haidir Hashim, “Islamic Banking and Finance: Concept and Reality,” *Journal of Islamic Banking and Finance*, no. July-Sept (2015): 88–103.

<sup>20</sup> “CSR Report,” n.d., <https://www.qib.com.qa/en/corporate-social-responsibility/>.

<sup>21</sup> “Sustanabilty Report 2020,” n.d., <https://www.qib.com.qa/en/investorrelations/sustainability-report/>.

The researcher seeks to benefit from the al-Ma'ālāt as a broad concept and use the Shariah, RBM and FS to format the frameworks so that the Islamic banking industry in Qatar can benefit from the al-Ma'ālāt paradigm.

Using RBM will increase transparency and accountability, allowing interventions to complement each other and avoid overlap and waste. It helps to assess progress towards the achievement of results and learn from the past to ensure that future initiatives better contribute to development impacts.<sup>22</sup>

### 19.3 SIGNIFICANCE OF THE STUDY

The significance of the theory of al-Ma'ālāt in the modern Islamic banking regime concerning the State of Qatar's is aimed at scrutinising the relevance of this classical theoretical concept in contemporary Islamic commercial and business transactions. The thesis will present a framework based on the interaction between three interdisciplinary approaches: Al-ma'ālāt, RBM and FS to make the framework more practical, easily implemented and have good results. The study is crucial because it contributes to the body of knowledge, policy, and practice of Islamic banks in Qatar for several reasons.

**First**, the study fundamentally seeks to expand the horizon of body knowledge. The thesis is envisaged to address the characteristic of Al-ma'ālāt and its implementation in the Islamic banking sector. Also, it will enhance the development process of Islamic banking in Qatar by eliciting the opinion and perception of Sharī'ah scholars, academics, bank officials and customers.

Furthermore, the study leverages the existing Arabic literature within the English one to create one framework based on Fiqh al-Ma'ālāt, RBM and FS. Due to their correlation, this study examines the link between and among the three and finds the similarity and differences. It is hoped that this opens the door to solve pertinent Islamic banking issues in Qatar and conduct similar research in other countries as well.

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<sup>22</sup> "FAO," accessed August 14, 2020, <http://www.fao.org/investment-learning-platform/themes-and-tasks/results-based-management/en/>.

**Second**, from the practical experience of the researcher and pilot interviews conducted, the researcher discovered that the experts in the practical profession have a keen interest in the subject because the topic is rarely addressed. Most of the current studies focus on the general purposes of the Islamic economy, but little focus has been given to the subject intellectually.

In the future dimension of these purposes, few studies address how we can offer a practical framework for the Islamic economy based on the Al-ma'ālāt approach. Therefore, the topic is of particular importance for the experts and practitioners. The results are envisaged to enhance an assessment of the baseline for future improvements and full appreciation of Maqāsid of *Hifz al-māl*<sup>23</sup>.

**Third**, from a policy perspective, the study will create more awareness and consciousness about the problems studied and generate requisite new policy pathways for Islamic organisations and institutions.

#### 19.4 THEORETICAL FRAMEWORK

**First-** there are many interrelated terminologies to Al-ma'ālāt. The most important ones are consequence, expectation, results, and future. The relationship between these concepts is intertwined and interrelated and can form the conceptual framework in which Al-ma'ālāt moves between them.

**Second**, the Arabic references and sources that address Al-ma'ālāt in the theoretical framework differed in the following ways as we can see from below table:

Table 20.1 Theoretical Framework for al-Ma'ālāt (Made by the researcher)

Reference and Name of the Authors	Theoretical Framework in Brief	الإطار النظري باختصار
1. AlDahib, Hussein Bin Salim; 1994, Ma'ālāt or Consequences of actions and their impact in changing provisions, master thesis, Jordan University, graduate school <sup>24</sup>	Maqāsid Al Sharī'ah + set of rules: the general interests and Masalah Mursalah, approbation, pretensions, the mind tricks and consideration of controversy	+ مقاصد الشريعة مجموعة من القواعد: المصالح العامة والمرسلة، الاستحسان، الذرائع، الحيل، مراعاة الخلاف
2. Al-Quradaghi, Ali, 2021, Fiqh al-Ma'ālāt as the basis for economic analysis <sup>25</sup>	The principle of <i>Sadd al-Dahari</i> (blocking the means), coupled with achieving the desired al-Maqāsid al-Sharī'ah and the goal and Alariaitiah. The jurisprudence of Alariaitiah. Don't you see if it is like that?	سد الذرائع + مقاصد الشريعة + تحقيق المناط + فقه الارأيتية
3. Al-Jedya, 'Umar; 2010 The Basis of considering Al-ma'ālāt between theory and practice, first edition, Dar Ibn Hazim for printing and publishing, Beirut-Lebanon <sup>26</sup>	The principle of <i>Sadd al-Dharai</i> + tricks + istihsan+ considering controversy, + the principle of rules conditioned by base it cannot be removed by external causes+ the principle of restriction of a person in the use of his right	الذرائع + الحيل+ الاستحسان+ مراعاة الخلاف+ قاعدة القواعد المشروطة بالأصل لا ترفعها العوارض الخارجية + قاعدة تقييد الشخص في استعمال حقه
4. Al-Hussein, Walid; 2009, Considering the Al-ma'ālāt facts and its juridical impact,	Al-Maqāsid Al-Sharī'ah	مقاصد الشريعة

<sup>24</sup> , Hussein Bin Salim AlDahib; “m'ālāt ālāf' āl w'lrhā fy tgyyr ālāhkām”, (1994)

<sup>25</sup> Ali Alquradaghi,” ālm'ālāt āsāsā llthlyl ālāqtšādy”, (Dal Alnida, Istabul, Turkey, 2021)

<sup>26</sup> 'Umar Al-Jedya,” Ṣl ā' tbār ālm'l byn ālnzryš wālthbyig”, (Ibn Hazem Dar, Beirut , Lebnan , 2010)

Reference and Name of the Authors	Theoretical Framework in Brief	الإطار النظري باختصار
Al-Tudmorya Printing House, Riyadh, Saudi Arabia. <sup>27</sup>		
5. Sanoussi, Abdulrahman Ibn Muammar; 1424 A.H, considering al-Ma'ālāt and considering the results of actions and purposes of Sharī'ah by AH Ibn aljawzi. Printing house-Dammam-Saudi Arabia <sup>28</sup>	Deeds + concept in legislation	الأفعال + مفهوم الحق في التشريع
6. Banan, Kareema; 2014/2015, Consideration and application of ma'ālāt in the jurisprudence of Umar Ibn Al-Khattab- -Master thesis the University of Abu Bakr belkaid-Tlemcen-Faculty of Humanities and social sciences, Islamic sciences. <sup>29</sup>	The al-Maqāṣid al-Sharī'ah	مقاصد الشريعة
7. Al-Sudais, Abdul Rahman Abdul Aziz; 1428H, The Principle of considering Al-Ma'ālāt as the base and their implications in Islamic jurisprudence and contemporary issues	The al-Maqāṣid al-Sharī'ah	مقاصد الشريعة

<sup>27</sup> Walid Al-Hussein, "ā' tbār mlāt ālāf' āl w' trhā ālfqhy", (2<sup>nd</sup> ed. Vol.1, Dar Altadmuriah, Ryadd , Saudi Arabi.2009)

<sup>28</sup> Abdulrahman Ibn Muammar Sanoussi, " ā' tbār ālmīlāt wmrā' ās ntā' ḡ āltsrfāt - drās' mqrn' fy āšwl ālfqh wmqāsd ālšry' s" (1<sup>st</sup> ed. , Dar Ibn Jwuzi for Publication, , Saudi Arabia , 2004)

<sup>29</sup> Kareema Banan; " ā' tbār mlāt ālāf' āl wttbyqāth fy fqh 'mr bn ālhṭāb rdy āllh 'nh" , (Bell Quaid university , Telmisan, Algeria - 2014/2015)

Reference and Name of the Authors	Theoretical Framework in Brief	الإطار النظري باختصار
contemporary doctrinal fundamentalist study <sup>30</sup> .		
8. Ahamito, Yusuf Ibn Abd Allah; 2012, The principle of Al-ma'ālāt consideration in fiqh research- from theorising to the application – fatwas of transactions in Malikī jurisprudence-case study, Centre for Development Research and Studies – first edition--Beirut-Lebanon <sup>31</sup>	Three theories: 1. theory of motivation 2. theory of abuse of the right 3. theory of the idiosyncratic reserve	ثلاث نظريات وهي: 1- نظرية الباعث 2- نظرية التعسف في استعمال الحق 3- نظرية الاحتياط القانوني

Four out of eight Sharī'ah scholars opine that theoretical framework for Al-ma'ālāt is the Maqāṣid Al Sharī'ah. Others have different views entirely. This result does not mean that they do not see a link between the Maqāṣid Al Sharī'ah and Al-ma'ālāt, but rather, they narrowed the scope of the theoretical framework, and they did not make it general. Some scholars considered blocking the means (Sadd al-dharāi'),<sup>32</sup> tricks (Al-ḥīyal)<sup>33</sup> and Al-istiḥsān<sup>34</sup> as a foundation on which ma'ālāt is built on, and some even considered al-ma'ālāt as the foundation on which these rules are built.

The researcher considers Maqāṣid Al-Sharī'ah as the leading general framework wherein Al-ma'ālāt moves. As such, the theories of blocking the means (Sadd al-dharāi'), tricks (Al-ḥīyal) and Al-istiḥsān are considered as fiqhi tools from Sharī'ah

<sup>30</sup>, Abdul Rahman Abdul Aziz Al-Sudais; "qā' d' ā'tbār ālm'ālāt wālātār ālmtrtb' lyhā fy ālfqh ālāslāmy wālqdayā ālm'āsr" ( drās' āswly' fghy' m'āsr', 2007)

<sup>31</sup>, Yusuf Ibn Abd Allah Ahamito; "mbd' ā'tbār ālm'l fy ālbḥt ālfqhy: mn āltnzyr āly āltnbyq : ftāw' ālm'āmlāt fy ālāgḥād ālmālky " - (drās' ḥāl' -, Nama center for research and studies, 1<sup>st</sup> ed. 2012)

<sup>32</sup> سد الذرائع  
<sup>33</sup> الحيل  
<sup>34</sup> الاستحسان