

# Shari'a Law in Commercial and Banking Arbitration: Law and Practice in Saudi Arabia

By Abdulrahman Yahya, Dr Baamir



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This book provides an analysis of how commercial and banking disputes can be settled under the Islamic regime for arbitration. The work focuses on the Saudi legal system as representative of Shari'a law in commercial and banking arbitration, and where relevant, makes comparisons with the settlement of banking disputes in Egypt and the UAE.

Shari'a Law in Commercial and Banking Arbitration provides a general introduction to the Saudi law and to the main principles and sources of Islamic Shari'a, on which Saudi law is based. It explores uncertainties resulting from the current system, such as the payment of interest, and examines possible alternative remedies for both domestic and international banking arbitration. It will be key reading for anyone interested in business and commercial law.



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#### **Editorial Review**

#### Review

This is a thorough and clearly-written discussion of commercial arbitration in Saudi Arabia. It combines a comprehensive discussion of contemporary decisions and authorities with a thoughtful historical analysis. The book is required reading for anyone interested in dispute resolution in the Middle East.' Gary Born, author of International Commercial Arbitration (2009) and International Arbitration: Cases and Materials (2010)

'This is an interesting and useful book for lawyers and businessmen operating under the Islamic Law relating to commercial and banking transactions, especially for those who contemplate entering into arbitration agreements to which the Shari'a will apply. It also deals comprehensively with the sensitive issue of interest, or riba, and the ways in which granting a 'return' on an investment may be considered legitimate, as well as other substantive principles of Islamic Law.'

Martin Hunter, Essex Court Chambers, London, UK

'This treatise is a rare addition to the literature on arbitration in Shari'a Law. It clarifies how arbitration is deeply rooted in Islamic sources and expounds on the variances of Islamic jurist opinions. Readers will find it enjoyable and beneficial.' --Prince Dr. Bandar Bin Salman Al Sa'ud, President of The Saudi Arbitration Group

#### About the Author

Dr. Abdulrahman Yahya Baamir, BA (Hons.), PGD, LLM, PhD is a lawyer and legal advisor in Jeddah, Saudi Arabia. Dr. Baamir specialises in Shari'a and international commercial and banking arbitration. He has published in the fields of capital markets regulation and arbitration in Saudi Arabia.

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