

*

.

.

:

.

:

.

:

.

-

-

-

.2008/3/3

2007/9/19

*

— —

:

(31)

:

(23)

:

(24)

:

" —

—

- 1

(25)"

:

1369

"

)

(32)"

(

(26)

- 2

"

"

"

.

(27)

(29)

(28)

:

:

:

:

- 1

" :

(33)

(34)"

:

(35)

(30)

- 2

(36)

:

•

:
 —
 —
 (59)
 .
 .
 :
 (60)
 1369
 :
 (69) (68)
 :
 (70)
 (61)
 :
 :
 :
 " (71)"
 (())
 :
 :
 -2 (62)
 :
 :
 (72)
 (74) (73)
 :
 :
 :
 " : (63)
 (75)"
 :
 (64)
 -
 (76)
 :
 :
 (65)
 -
 " : -
 (66)
 " : -
 -
 -
 (67)

.

.

.

.

()

.

⋮

⋮

⋮

⋮

⋮

(82)

.

⋮

⋮

⋮

(78)

(77)

(83)

.

⋮

⋮

.

(84)

(85)

(86)

.

.

⋮

⋮

(80)

(79)

⋮

- 1

.

- 2

.

(81)

.

" :

(99) " ..

(88) (87)

(91) (90) (89)

" :

(100)"

:

(92)

(93)

:

(94)

:

(95)

" :

(101)1403

(102)

(96)

:

:

"

:

" :

:

(98) (97)

:

:

(103)

:

:

Figure 1: A 3D plot showing the distribution of points in the (x, y, z) space. The axes are labeled x , y , and z . The points are clustered around the origin, with a density that decreases as the distance from the origin increases. The points are labeled with their coordinates, such as (104) , (105) , (106) , (107) , (108) , $(109)_n$, (110) , (111) , (112) , $(113)_n$, (114) , (115) , (116) , (117) , (118) , (119) , (120) , and (1428) . The points are distributed in a way that suggests a complex, non-linear relationship between the variables.

.(121)

"

" :

.(122)

.

" :

:

"

- 1

.(123)

.

-

-

- 2

" :

(1428)

.(124)

- 3

)

(135)

(

(126)

(125)

.

(

)

:

.(127)

:

(136)

:

(128)

(130)

(129)

:

(131)

.(137)

:

:

.

:

- 1

(138)

:

.(139)

:

(141)

(140)

-

.(132)

- 2

(142)

.(133)

.

:

-

-

- 3

- 1

.(134)

.(143)

:

- 2

(150)

(144)

-1

-2

(145)

(146)

-3

(147)

-4

(148)

()

(149)

-5

" "

:

(155)

(156)

-1

(151)

-2

(152)

(153)

(154)

-3

(157)

-4

-7

-5

-6

(158)

-1

[illegible]

(249- 248 :8)	(25)	.	(130
		.	:
		(28 6)	
(293 :5)			
:			
		.	
-	-	(46 3)	:
(417- 416 :6)		-	
		-	
		.	
		.	(15)
(475 :3)		" "	
	(177 :6)	:	) .
(	)	43 6	
"		525 4	126 13
:		260 4	527 6
			.(396
)	-	292 13	:
	(	. 1570	(16)
		:2	
			.633 -632
		.292 13	(17)
		6 3	(18)
		.319 2	
		.134 5	(19)
.(		.105 2	(20)
	(417 :6)	113 5	(21)
.320 :2 :	:	:	(22)
.158/ 11 :	:	5.175 :	177
170 2	:	177 :6 :	
170 2		:6 :	170 2 :
45 :6	191 5	295 - 294 :3 :	46-45
.295 294 3		:	.5.191
-		215 2 :	6.473 :
		:4 :	12 :5 :
		:	5.147 :
		.499 3 :	4:403
284 :4 :	:	158 :11	:
.215 2	346 1 :	:	305 :4 :
.215 7 212 2	(30)		.320 :2
	(31)	504 :3 :	:
			(24)
.346 2		.424 :5 :	

475 6	:	(51)	11		(32)
: 7:4	2:212 :			.411	
	.132:7		.71 :5	:	(33)
: 139:5	(52)		.44 :		(34)
.404-403 :4 :	532-531 :3	210 :7			(35)
.(40)	(53)	.839 :	:		
212:2	:	(54)	.	:	(36)
: 111:2	: 5:7	156 :6	:		(37)
.139:5 :	475:6	156 :6 :			
.175:10	(55)	4	168 5		
: 212:2 :	(56)		.306		
	.475:6	43- 42 :6 :			(38)
.139:5	:	(57)	.351 3	192 :5	
75 - 72 :6 :	:	(58)	: 473 :6	:	(39)
: 309 - 306 4 :	:	5- 4:4 :	:	212 :2 :	
: : 316 - 314 :3 :			.132 :7:		
	.171- 196 :5				(40)
74 - 71 6	(59)				
208- 306 4					
.403 4	465/ 5				
74 - 71 6	:	(60)			
308- 306 4					
.411 11			.139 :5:	:	(41)
.411 11	:	(61)	306 42		(42)
47*13	(62)		.155 6		
.1522		35 3	192 5		(43)
17 3	(63)	.351 3			
	.152 11				(44)
152 11	:	(64)			
	.321 3				
3	:	(65)			
194 5	361	:		) .	
	.51 6	30 6 4		60 6	
279 4	(66)	-42 6	156 6		
.479	346 1		.(192 5	45	
.460 5	(67)		.139 5		(45)
11 5	386 4		.1		(46)
.530 527 3			) .475 6		(47)
-		.(	(157 10)		
		475 3			(48)
		" :	(158 6)		
320 21	:	(68)	:	"	
6	168 5		.		
.186 6	186	.475 3			(49)
5	53 6	(69)	.139 5		(50)

	.418 – 413 6	(91)	.361 3	193
	154 11	(92)	386 4	111 5 (70)
	.58 6		.460 5	
	.385 4	(93)		(71)
	.58 6	(94)	349 3 3388	
	.194 5	(95)	57 7	
	346 2	(96)	786 2	
	.478 6		768 2 2288	
155 11	183 5	(97)		79 6
	190		.	
	.156		.85 6	(72)
	527 – 526 3	(98)	346 1	(73)
147 5	403 4		.212 2	4 5
	.459 5		.186 6	: (74)
	.385 4	(99)	.	(75)
	.	(100)	.346 1	: (76)
	.448 11	(101)	77 6	: (77)
	" " :	(102)	330 328 2	
	)		11 188 6	
	.(			.152
	.545– 544	(103)	115 5	(78)
		(104)	402 – 400 4	.527 3
	.138		.465 460 5	
	138 3	(105)	.	(63) (79)
8			.	(64) (80)
			.23,4	(81)
	.117 5	277– 276	– 1015 2	(82)
	.134 5	(106)	.556 – 555 13	1016
87 6	:	(107)	327 2	(83)
213 6	19 22		.189 6	
388	520 3		57 6	(84)
	.805 3		.97	46 2
83– 80 6		(108)	152 11	(85)
80 6			.189 6	
264 7	56 5	4	399 4	(86)
206 6	520 3			.385
388 1	165 5		18 3	(87)
3	148 5		.154 11	7 6
	.387 4	523	527- 526 3	(88)
	.	(109)	.458 5	385 4
	.148 5	(110)	102 7	(89)
	.	(111)	.194 5	54 6
16 6		(112)	280 4	(90)
	157 11		– 477 6	5 4
	.523 – 522 3			.487

	315 2			.486 11	(113)
	315 7	.388 1		107 6	(114)
		.23 2		101-100 9	370 3
			(124)	2	216 6
370 4	404 4			332 7	24- 23
.184 5	439 427 5				.169 5
.	(110)	(125)		108 6	: (115)
.	(111)	(126)	.370 3		68 - 67 5
172 5		(127)		216 6	
	206 6		683 3		216 6
519 3	247 2			139- 138 5	
.520 3			- 318 2		332 7
:		(128)		.24- 23 2	320
			443 5		519- 518 3
			5		169 5
) .					.167
206 6	172 5		80 6		(116)
.(520 3			6		363 3
86 6		(129)	11	62 9	191
264 7	62 9			523 3	157
285 8	363 3		162 5		667 665 3
.157 6	286-			.210 206 6	165
4	184 5	(130)	313 2		388 1
	.403		3		315 7
322 10		(131)		.187 183 5	509 - 508
86 6		(132)		.388 1	(117)
	.486 11			165 5	(118)
.		(133)			.283
. 86 6		(134)		58 40	(119)
.486 11		(135)			665 3
		(136)			249 247 2
"	"		247 2		.352 - 350 3
			6	358 5	
				165 5	206
				.520 3	
				444 7	(120)
			2 23		315 2
			125 5		332 7
				.231 5	
6 97	:	)		187 5	(121)
214 5	95 5			370 24	427 5
2 250					.512 3
2 314				.315 7	(122)
336 7	7 440		125 5		(123)
.		(137)	444 7		231 5

462 8	(147)	22.98	(138)
462 8		6.96	59 -58 5
64 - 63 5		3.526	6.214
.22.99		314 2	336 7
- 461 8	(148)	5.414	3.55
461 8	462	3.515	
64 - 63 5			.5.195.161
.97 6		98 22	(139)
.	(149)	.314 2	336 7
.	(150)	6.214	(140)
72 2	(151)	526 3	
2.10		.365 5	250 2
.188			.526 3
(1) :	(152)	386 1	(141)
(2)		-229 5	132 5
(3)		.314 2	230
(4)		383 4	(142)
) .		438 414 5	3.515
(63		.160 5	
8 - 17 2	(153)	3	214 6
.29 -28		386 1	526
(154)		.3.314 2	314 2
.242			(144)
87-86 2	(155) (155)	515 3	160
77-76		.383 4	5.338
.499		96 6	(145) (145)
.	(156)	98 22	
.135 2	(157)	.461 8	63 5
.38 :	(158)	.	(146)

(456)

1988

. 1978 2

2003

1

.

1991

1

1317

2

1985

2 (786)

1982

. 1979 1966 2
 (1299)
 . 1994
 .4
 .1 1970 (1201)
 . 1952
 (855)
 . 1990 2
 1987 2
 . 1986
 . 1 (620) 1984 (1004)
 . 1984
 (595)
 . 1996 1 . 1972
 (1069)
 . 4 (957) 1987 3 (762)
 (587)
 . 1986 2 2
 (179)
 . 1986 1984
 (450)
 . 1989 (483)
 . 1 1994 2 (204)
 (885) . 1983
 (977)
 1986
 (1226)
 (593)
 2
 .
 . (994)
 . (261) . 1996 1
 (884) 1986
 1 1997
 . - (1310)
 3 1967 (763) (476)
 . 1952
 . (711) 1975
 . 1401
 ..1

(970)

(683)

1975

2

1985 2

(681)

1994

The Loss in Companies and Its Rules in The Islamic Jurisprudence

*Isma'el M. Al-Braishi**

ABSTRACT

The importance of studying the loss in the capital fund of companies in general and in contract companies in particular doesn't fail a discerning person or missed by him due to the ruling they comprise by which the researcher can shed a light on the greatness of the Islamic jurisprudence, its reality and response to the human renew needs and its capacity to provide solution to all catastrophies, disaster and events, taking in consideration realization of balancing principle among contract parties in a way observing justice and bringing out interests to all parties concerned.

Tried in this study to detail all loss rules related to capital fund of companies and its effects or its stipulation (terms) plus its derivatives of rulings related to its guarantees, and the relation of all of this with contract parties in a compact briefing commensurates with the nature of the research and its significance.

Keywords: The Loss, Contract Companies, Islamic Jurisprudence.

* Faculty of Shari'a, University of Jordan. Received on 19/9/2007 and Accepted for Publication on 3/3/2008.