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Sukuk Structures: Legal Engineering Under Dutch Law

Omar Salah

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Sukuk is the Arabic name for financial certificates. Sukuk securities are structured to comply with Islamic law and its investment principles, which prohibit the charging or paying of interest. This book is the first to set out how sukuk transactions can be structured under Dutch private law and covers the Islamic and Dutch legal issues involved. It explains the fundamentals of Islamic finance and analyzes Islamic contract, property, corporate, and finance law. The book describes how Islamic finance principles, such as riba (in short: prohibition on interest) and gharar (avoidance of contractual uncertainty), have contributed to the development of Islamic finance contracts. It examines the legal structure of sukuk transactions and the applicable Islamic finance rules, and it scrutinizes three main sukuk transactions (the sukuk al-musharaka, the sukuk al-murabaha, and the sukuk al-ijarah) under Dutch private law, mainly focusing on Dutch contract, property, insolvency, and corporate law. The book concludes that there are no legal obstacles to introducing Islamic finance in the Netherlands. Sukuk Structures: Legal Engineering under Dutch Law will be of interest to academics and practitioners in the field of banking and finance law.

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