

GENERAL REGULATORY FRAMEWORK IN RASTIN PROFIT AND LOSS SHARING BANKING (PART II-LEGAL GROUNDWORK)

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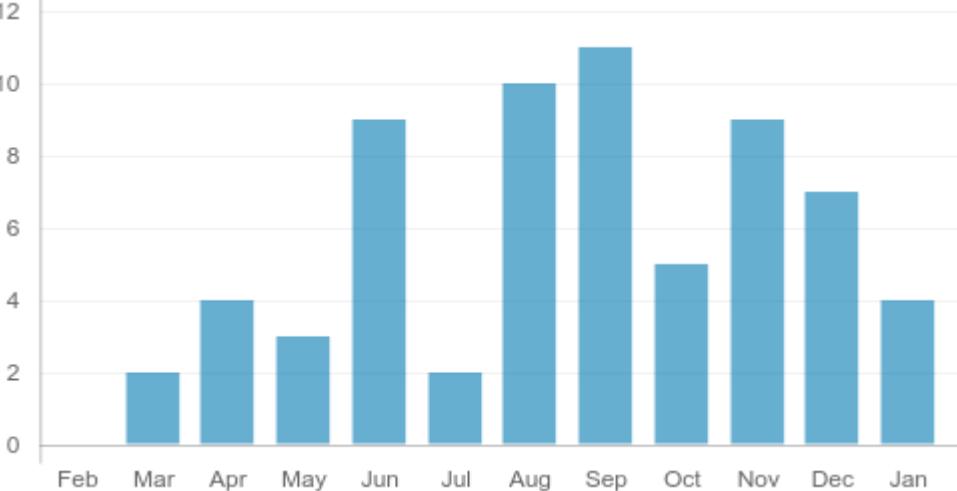
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Abstract

This paper aims to explain the legal infrastructure of Rastin Profit and Loss Sharing (PLS) Banking. Rastin Banking is a full Islamic Banking System with all necessary parts for banking operations that can be installed in conventional and Islamic banks both. In this part, we are going to explain the milestones of Rastin PLS banking regulative groundwork. Rastin Banking complies with the nature of financial intermediary activity (partnership of depositor in the yields of the fund receiver via the bank). In order to fulfil this goal, particular formation, organisational structure, instruments and workflow are defined in a legal framework. To handle Rastin Banking, the particular theoretical and operational regulatory frameworks and legal context of the contracts should be defined to fulfil the participation operations. In this paper, we will have a look at the necessary legal environment to setup Rastin Banking. This system is novel, and requires more elaborations for further practical development and adjustment. In this system, the investment return of the participation is distributed to the parties of financial partnership (depositor, entrepreneur and bank), and it is done by eliminating fixed interest rate, and it is based on the real economy profit (return) of the activity.

Downloads



References

Bidabad, B., & Allahyarifard, M. (2010). IT-based usury-free financial innovations. In Proceeding of ECDC 2010, 5th International Conference on e-Commerce in Developing Countries: with focus on e-Banking & e-Insurance. <http://www.bidabad.com/doc/non-usury-finance-it-en.pdf>.

Bidabad, B., Hassan, A., Ali, M. S. B., & Allahyarifard, M. (2011). Interest-Free Bonds and Central Banking Monetary Instruments. International Journal of Economics and Finance, 3(3), 234-241.

Bidabad, B., Hassan, A., Ali, M. S. B., & Allahyarifard, M. (2011). Interest-Free Bonds Financial Innovation: A Monetary Instrument for Economy at Crisis. Journal of Economic Cooperation & Development, 32(1), 55-70.

Bidabad, B., Amirostovar, A., Abdollahi, S., Allahyarifard, M., Pordel, E., Heydari, M., Shafiei, A. & Pourbehrouz, M.-A. (2012a), The Draft of Bill of Rastin Banking, Bank Melli Iran.

Bidabad, B., Amirostovar, A., Abdollahi, S., Allahyarifard, M., Pordel, E., Heydari, M., Shafiei, A. & Pourbehrouz, M.-A. (2012b), The Draft of the Executive Bylaw of Rastin Banking, Bank Melli Iran.

Bidabad, B. (2014a), Rastin Banking: New Operational Islamic Banking System, Volume One, Theoretical Foundations, LAP Lambert Academic Publishing, OmniScriptum GmbH & Co. KG, ISBN: 978-3-659-54463-7.

Bidabad, B. (2014b), Rastin Banking: New Operational Islamic Banking System, Volume Two, Applicational Issues, LAP Lambert Academic Publishing, OmniScriptum GmbH & Co. KG, ISBN: 978-3-659-55210-6.

Bidabad, B. (2013). Rastin Certificate Market (RCM): Complementary System of Rastin Banking. Retrieved from <http://www.bidabad.com/doc/rastin-bank-rcm-en.pdf>.

Bidabad, B., & Allahyarifard, M. (2013). Interbank Withdrawal Protocol (IWP): Complementary System of Rastin Banking. Retrieved from <http://www.bidabad.com/doc/iwp-paper-en.pdf>.

Bidabad, B. (2013) Rastin Profit and Loss Sharing (PLS) Base System. Journal of Islamic Economics, Banking and Finance, 9(4), 32-57.

Bidabad, B. (2014). Instalment Financial Sharing (IFS). Retrieved from <http://www.bidabad.com/doc/ifs-paper-en.pdf>.

Bidabad, B. (2014). Rent Financial Sharing (RFS). *Journal of Islamic Economics, Banking and Finance*, 10(2), 1-11.

Bidabad, B. (2014). Joint Stock Company with Variable Capital (JSCVC). *International Journal of Law and Management*, 56(4), 302-310.

Bidabad, B. (2014). Bail Financial Sharing (BFS). Retrieved from <http://www.bidabad.com/doc/bfs-paper-en.pdf>.

Bidabad, B. (2014). Rastin Crowd Funding. Retrieved from <http://www.bidabad.com/doc/rcf-paper-en.pdf>.

Bidabad, B. (2014). Mudarebah Financial Sharing (MFS). *Journal of Islamic Economics, Banking and Finance*, JIEBF, 10 (1), 56-68.

Bidabad, B. (2014). Rastin Group Funding (RGF), Bank Melli Iran.

Bidabad, B. (2015). Rastin Personal Security (RPS). *Journal of Islamic Economics, Banking and Finance*, 11(2), 47-61.

Bidabad, B. (2015). Rastin Social Takaful (RST), *Journal of Islamic Economics, Banking and Finance*, 11(1), 13-23.

Bidabad, B. (2015). Rastin Swap Deposit. Retrieved from <http://www.bidabad.com/doc/rsd-paper-en.pdf>.

Bidabad, Bijan. (2015). Rastin Swap Card. Retrieved from <http://www.bidabad.com/doc/rsc-paper-en.pdf>.

Bidabad, B. (2015). Serial Commitments Clearance (SCC) in Rastin Banking. *International Journal of Law and Management*, 57(6), 600-609.

Bidabad, B., & Sherafati, M. (2016). Operational Ethical Banking in Rastin Banking: (Professional Ethics, Auditing, Inspection, Control, Monitoring and Preservation). *International Journal of Law and Management*, 58(4), 416-443.

Bidabad, B. (2016). Joalah Financial Sharing (JFS), *Journal of Islamic Economics, Banking and Finance*, 12(1), 33-48.

Bidabad, B., Amirostovar, A., & Sherafati M. (2017). Financial Transparency, Corporate Governance and Information Disclosure of the Entrepreneurâ€™s Corporation in Rastin Banking. *International Journal of Law and Management*, 59(5), 636-651.

Bidabad, B., Abdollahi, S., & Sherafati, M. (2017). Enforcement of the Purports of Binding Banking Documents in Rastin Banking â€“ Part I. *International Journal of Law and Management*, 59(1), 52-65.

Bidabad, B., Abdollahi, S., & Sherafati, M. (2017). Enforcement of the Purports of Binding Banking Documents in Rastin Banking â€“ Part II. *International Journal of Law and Management*, 59(2), 178-191.

Bidabad, B. (2017). Mortgage Securitization System (MSS), A Complementary System of Rastin Banking. *International Journal of Law and Management*, 59(6), 778-783.

Bidabad, B. (2017). Money Laundering Detection System (MLD), a Complementary System of Rastin Banking, *Journal of Money Laundering Control*, 20(4), 354-366.

Bidabad, B., & Sherafati, M. (2017). Sustainable Financing and Anti-Squandering Measures in Rastin Banking. *International Journal of Law and Management*, 59(6), 939-949.

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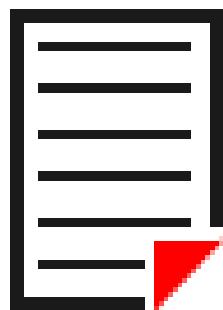
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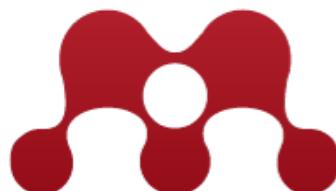
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