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5.70	225.735	3.957.771	31/12/2004
6.18	259.005	4.190.216	31/12/2005
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6.63	288.547	4.349.730	31/12/2004
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7.51	324.411	4.319.139	30/6/2006

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6.81	97.190	1.427.653	31/12/2004
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3.19	10.980	344.028	31/12/2004
3.56	12.651	355.404	31/12/2005
3.30	12.051	365.129	30/6/2006

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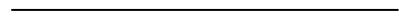
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**An-Najah National University  
Faculty of Graduate Studies**

## **Islamic Banks between Tax Legislation and Zakat**

**By  
Lana M. Ibrahim Khammash**

**Advisor  
Prof. Tareq Al- Hajj**

*Submitted in Partial Fulfillments of the Requirements for the Degree of  
Masters of Taxation Disputes Graduate Studies at An-Najah National  
University, Nablus, Palestine.*

**2007**

# **Islamic Banks between Tax Legislation and Zakat**

**By**

**Lana M. Ibrahim Khammash**

**Advisor**

**Professor Tareq Al- Hajj**

## **Abstract**

This study sought to introduce Islamic banks, extent of their importance as well as the particularism of this type of banks. It also sought to show how these banks are subjected to taxation, mechanism of work with the banks and governing of these banks by Islamic legislation. The study also drew a comparison of laws, pertinent to the operation of these banks, in Palestine and some neighboring countries.

The study was divided into three chapters. Chapter one dwelt on Islamic banks in terms of their definition, history and development as well as their mechanism of work. It also highlighted the introduction of these banks in Palestine and the role they have played in the country's economic development as well as the obstacles facing their work.

Chapter two was devoted to the concept of tax in general, its characteristics, rules and goals. The chapter also tackled the concept of zakat (Islamic tax) in general, its rationale, conditions, money subject to it, and ways of spending it. The chapter also looked at the social and economic role of zakat. The chapter concluded with areas of difference and similarity between the work of tax and that of zakat although payment of taxes exempts the payment of zakat since the Islamic banks pay both taxes and zakat at the same time.

In the third chapter, the researcher examined the tax laws and how to subject the Islamic banks to tax legislation in Palestine and, Syria, and

Jordan, given their close proximity. The researcher also defined these legislations and decrees pertinent to the establishment of this type of banks in these countries and the hows of dealing with them. The researcher concluded with a number of findings and recommendations. One of these findings is that these banks are of special nature and are subject in all their operations to the Islamic legislation rules. Another is that if the mechanism of work of these banks is used correctly/properly, they will play a key role in the development process despite their recent introduction in Palestine. One recommendation is that the tax legislator should note the particularism of this type of banks. Another recommendation is that there is a need to draft a special legislation governing the Islamic banks and their mechanism of work.