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إجازة الرسالة

النظام القانوني لإعادة النظر في الحساب الجاري وتصحيحه
دراسة مقارنة

اسم الطالبة: هبة محمد كمال عبد الكريم المصري
الرقم الجامعي: 20220215

المشرف: الدكتور عثمان التكروري

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1- رئيس لجنة المناقشة: الدكتور عثمان التكروري

2- ممتحنا داخليا: الدكتور ياسر زبيدات

3- ممتحنا خارجيا: الدكتور حسين مشاقي

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Abstract

The dissertation topic discusses the legal system in regards of reconsidering and correcting the current account. However, today, the current account has become a necessary need that is inevitable for everyone; hence, the officer can not manage his affairs without it, and so is the merchant who is in need of both types of account – current and debit. In this regards, the researcher has followed up the descriptive methodology meanwhile using the applicable style.

In the first chapter of the dissertation, the know-how of the current account, its features, conditions, types and nature have been tackled and stated, but in the next chapter, concentration has been made on the issue of reconsidering and correcting the current account.

Hence, the reconsideration of the current account is basically found in having the undertaking owner requested the further discussion in the result of his account by extracting a new statement of account if it shall be stated that one or more of the account entries provided in that statement sent are incorrect, without considering the previous one, then an overall process of revision will be undertaken for all items of the account statement pursuant to new elements tackled.

As for the process of correcting the current account, such will not be including all account elements, but may concentrate on a certain entry or more in that account if an error is stated to exist, and henceforth the correction is permissible in this case during the account course of sequence and after its closure; while reconsidering the account may not be possible but only during the account course of sequence.

Amongst the different topics being provoked and put under argumentation during the study of the dissertation has been the range of taking over the temporary balance of the current account, having in turn different stances of legislations, jurisprudence and the jurisdiction itself from this issue.

Many methods of correcting and reconsidering the current account appear as follows:

1. Administrative Method (Monetary Authority).
2. Claim of reconsideration and correction of current account.

However, the legislative principles that are applied in the Arabian countries such as Jordan and Palestine have not been depending on modern media which are based on electronic programming as full means of confirmation and evidencing.

These Arabian legislations have diversified regarding this issue, ranging between two stands:

1. Egislations that do not give electronic extracts full and prevailing evidencing technique in confirmation as like taking place in Lebanon.

2. Legislations that have made the electronic extracts the full and lasting evidence for proof and confirmation like that in Emirate of Dubai.

Therefore, the range of demonstration and proof for data issued from the Bank (the person himself has created and made evidence), and means of customer's proof of error in details of his account statement, in addition to the means made by which the correction of mistaken entries are of great importance and their presentation shall be beneficial to the both parties of current account.

In addition, what the researcher here has come up with is that the banking contracts are really considered of submission contracts; however, having banks filling up contents of their contracts in formerly prepared formats by them, in a way that is either acceptable by the customer wholly or refused all in all.

We also find that all formats are the same in all banks, and due to the citizen's need of dealing with the bank does not leave any other choice to him or her for refusal, in addition to what may be included and stated in such contracts of serious but arbitrary conditions, with estimating, henceforth, the range of customer's obligation in such conditions which may not be perused by him nor understood by him, shall leave therefore a level of convention with the judge of subject upon having any dispute occurred between the two parties concerned.

Besides, the reflexive entry is considered the method referred to by the bank to correct what may be discovered of errors in accounts of its customers having thereby the jurisprudential opinions differentiated in determining the legal basis for the reflexive entry.

There are various differences between the reflexive entry and the claim for correction in many aspects, and despite those differences, the reflexive entry, however, is considered one of those aspects of correcting the current account. In addition, the banks do not usually differentiate between a claim for correcting the account and the reflexive entry, since the legal background of the claim for correcting the current account is still vague and unapparent.

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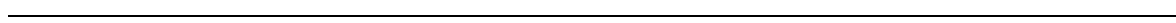
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