

Syrian Arab Republic	 الجامعة الافتراضية السورية SYRIAN VIRTUAL UNIVERSITY	الجمهورية العربية السورية
Ministry of Higher Education		وزارة التعليم العالي والبحث العلمي
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Course Description: Banking Legislation

1- Basic Information:

Course Name	Banking Legislation
Course ID	A-BL-812
Contact Hours (Registered Sessions)	24
Contact Hours (Synchronized Sessions)	28
Hours of communication with the teacher outside simultaneous sessions	10
Exam	2
Registered Sessions Work Load	16
Synchronized Session Work Load	34
Credit Hours	5
Course Level	6

2- Pre-Requisites:

Course	ID
Completion of 185 credit hours	—

3- Course General Objectives:

The Banking and Banking Legislation course aims to define the banking law, explain its various sources and characteristics, and clarify what is meant by banks and the banking business practiced by it.

This course also aims to clarify the duties of banks in general towards their customers, and to detail the most important of these duties, which is the duty of banking secrecy, in order to clarify the concept of banking secrecy, its place, the persons concerned with it, and the penalty for violating this duty. We also discuss legal exceptions to the duty of

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bank secrecy, which is justified on the basis of the public interest and the personal permission of the person concerned.

This course aims to study the most important banking operations carried out by the bank for the benefit of its customers, which are the following:

Bank deposit: It is considered one of the most important basic operations on which the banking operations in commercial banks is based. We discuss the nature of the bank deposit, specifying its definition, characteristics, types and different forms, and explaining the difference between it and the ordinary deposit in the civil law. We also discuss its general and specific legal provisions

Bank loan: which is also considered one of the basic operations carried out by the bank to achieve its profit from the interest difference between deposit operations and lending operations.

We discuss here the definition of a bank loan and explain its characteristics and pillars, specifying the legal effects resulting from it and related to the legal relations between its parties.

The current account: which is considered one of the most operations carried out by banks, so we discuss the definition of the current account and show its characteristics, types and how to prove it. We also specify the general and special conditions for this particular type of bank account, specifying its legal effects and how to stop and close the account.

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Bank cards: which are considered among the banking services provided by the bank to its customers to facilitate the process of withdrawal and payment. We discuss here what bank cards are, explaining their definition, characteristics, and different types, defining their legal nature and the legal relations between their various parties.

Bank guarantee: which is considered one of the most important personal guarantees. We will discuss here the definition of the guarantee and its various parties and its distinctive characteristics. We also discuss the legal effects of the bank guarantee, explaining the different legal relations between its intervening parties and how to terminate it.

- Letter of bank guarantee: which is also considered a personal guarantee and is subject to the rules and norms issued by the International Chamber of Commerce, and we discuss here, the definition and characteristics of the letter of guarantee and its distinctive legal nature, as we define its various elements (the amount and duration of the letter of guarantee) We also show the cover of the letter of guarantee and the extent to which it can be seized.

- Ordinary (simple) credit: which is considered one of the most important bank credit operations. Here, we discuss the definition of a simple credit opening contract and show its different characteristics and types, specifying its legal nature and the legal relations between its intervening parties. We also show how this contract ends

- Documentary credit: It is a complex banking process that aims, often, to settle international sales, and to ensure the proper implementation by the parties of their obligations. We discuss here the definition of a documentary credit and show its

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types and the different documents that are usually required when opening it, and we explain how to examine these documents, which is the basis on which the responsibility of the bank is determined. We also show the distinctive legal nature of this type of credit, defining the different legal relations between its intervening parties

- Bank transfer: We discuss in it the definition and images of the bank transfer and determine the distinctive legal nature of it. We also indicate the legal provisions applicable to it, with an explanation of its general and special conditions, the transfer mechanism, and finally, the legal effects resulting from the bank transfer process

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4- Intended Learning Outcomes (ILO):

Code	Intended Learning Outcomes
ILO1	1 - Know the meaning of banking law. 2 - Know what is meant by the sources of banking law. 3. Knowing what is meant by the characteristics of banking law. 4. Know the meaning of special rules in the application of banking law.
ILO2	1 Know what is meant by banking secrecy. 2. Knowing the importance of the duty of confidentiality that must be respected by banks. 3. Knowing the location of banking secrecy and the penalty for disclosing it. 4. Knowing the exceptions to banking secrecy.
ILO3	1 Understand the concept of bank deposit. 2. Knowing the types and forms of bank deposit. 3. Knowing the legal nature of the bank deposit. 4. Knowing the legal provisions of the bank deposit.
ILO4	1 . Knowing the concept of a bank loan contract. 2. Knowing the location and characteristics of the bank loan. 3. Knowing the pillars of the bank loan contract. 4. Knowing the legal relations between the creditor and the debtor (the parties to the contract).
ILO5	1 Know what is meant by the current account. 2. Knowing the characteristics of the current account. 3. Knowing the conditions of the current account. 4. Knowing the legal implications of entering the right to the current account.
ILO6	1. Know what is meant by bank cards. 2. Knowing the parties to the bank cards. 3. Knowing the characteristics of bank cards. 4. Knowing the legal relations existing between its parties.
ILO7	1. Know the meaning of the bank guarantee. 2. Know what is meant by the characteristics of a bank guarantee. 3. Knowing the difference between a bank guarantee and an ordinary guarantee. 4. And clarify the effects of the bank guarantee.
ILO8	1 Know what is meant by letter of guarantee. 2. Knowing the characteristics of the letter of guarantee. 3. Knowing the elements of the letter of guarantee. 4. Knowing the warranty cover and seizing it.
ILO9	1. Knowing the definition and characteristics of a simple credit opening contract. 2. Knowing the legal nature of simple accreditation. 3. Knowing the types and forms of the credit opening contract. 4. Knowing the legal implications of simple accreditation.

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ILO10	1. Know what is meant by documentary credit. 2. Knowing the parties to the documentary credit. 3. Knowing the types of documentary credit. 4. Knowing the documents required for a documentary credit
ILO11	1. Knowing the legal nature of the documentary credit. 2. Knowing the compatibility of the documentary credit with other techniques similar to it in the civil law. 3. Knowing the legal authenticity enjoyed by the documentary credit and distinguishing it from other similar operations. 4. Knowing the legal implications arising from the documentary credit process.
ILO12	1. Know what is meant by bank transfer. 2. Knowing the parties to the bank transfer and its various forms. 3. Knowing the legal nature of the bank transfer. 4. Knowing the legal implications of the bank transfer.

5- **Course Syllabus** (24 hours of total Recorded Sessions, 28 hours of total synchronized sessions)

- **RS:** Recorded Sessions; **SS:** Synchronized Sessions;

ILO	Course Syllabus	RS	SS	Type	Additional Notes
ILO1	Defining banking law, identifying its various sources and characteristics, and clarifying the meaning of special rules in the application of banking law.	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	Practical issues that include the facts and the legal ruling for them.
ILO2	Defining banking secrecy, stating its importance and location, and specifying the exceptions mentioned on it.	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	Practical issues about banking secrecy and its exclusions include facts and legal rulings.
ILO3	Definition of a bank deposit, its different types and forms, its legal nature, and its legal provisions.	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	Practical issues that include the facts and the legal ruling for them.
ILO4	Defining the bank loan contract, defining its place and its various characteristics, detailing its pillars and stating the legal relations between its parties.	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars	Judicial jurisprudence about the bank loan that includes the facts and the legal ruling for it.

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	•			<input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO5	Defining the current account, stating its characteristics and conditions, and determining the legal effects of entering the right to the current account. •	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	Judicial jurisprudence on the current account that includes the facts and the legal ruling for it.
ILO6	Defining bank cards, stating their parties and characteristics, and defining the legal relationships resulting from them. •	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	Practical issues in which the student can show the legal ruling.
ILO7	Defining the bank guarantee, defining its characteristics and the difference between it and the ordinary guarantee and clarifying its effects. •	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	Judicial jurisprudence on the bank guarantee that includes the facts and the legal ruling for it.
ILO8	Defining the letter of guarantee, defining its characteristics and elements, explaining its cover and how to seize it. •	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	Issues in which the bank guarantee letter is mixed with other similar contracts.
ILO9	Definition and characteristics of the simple credit opening contract, defining its legal nature, stating its types, forms and legal effects.	2	3	<input type="checkbox"/>	Practical issues in which the student can clarify the legal ruling
ILO10	Definition and parties to a documentary credit Defining its types and documents.	2	2	<input type="checkbox"/>	Judicial jurisprudence on documentary credit that includes the facts and the legal ruling thereon.
ILO11	Defining the legal nature of the documentary credit and its compatibility with other similar techniques, indicating its authenticity and determining its legal effects.	2	2	<input type="checkbox"/>	Judicial jurisprudence on documentary credit that includes the facts and the legal ruling thereon.

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ILO12	Defining the bank transfer, stating its parties and forms, and determining its nature and legal effects.	2	2	<input type="checkbox"/>	Practical issues The student can clarify the legal ruling and distinguish between a bank transfer and other types of money transfers.
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6- Assessment Criteria (Related to ILOs)

ISC	Interactive Synchronized Collaboration	Ex	Exams	Rpt	Reports
PF2F	Presentations and Face-to-Face Assessments	PW	Practice Work		

ILO Code	ILO	Intended Results	Assessment Type				
			ISC	PW	Ex	PF2F	Rpt
ILO1	Knowing what is meant by banking law, what is meant by banking law sources, the possibility of defining the characteristics of banking law, and knowing what is meant by special rules in the application of banking law	Examples and cases of discrimination of banking law and allow to find out the rules related to it.					
ILO2	Knowing what is meant by banking secrecy and the importance of this duty that must be respected by banks, and knowing the location of banking secrecy and the penalty for disclosing it. And know the exceptions to banking secrecy.	Examples and issues through which the student can learn the provisions of banking secrecy					
ILO3	Knowing the definition of a bank deposit, knowing its different types and forms, knowing the legal nature of a bank deposit, and knowing the legal provisions of a bank deposit.	Detailed explanation					
ILO4	Knowing the concept of the bank loan contract, knowing its place and characteristics, and knowing the pillars of the bank loan contract. And knowledge of the legal relations between its parties.	Detailed explanation					
ILO5	Know what is meant by the current account, know its characteristics, and	Detailed explanation					

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	know its conditions. And knowing the legal implications of entering the right to the current account.						
ILO6	Knowing what is meant by bank cards and the parties to bank cards and their characteristics, and knowing the legal relations that exist between their parties	Examples and an explanation of jurisprudence					
ILO7	Knowing what is meant by bank guarantee and its distinguishing characteristics, clarifying the difference between it and ordinary guarantee, and explaining the legal effects resulting from the bank guarantee.	xamples and issues through which the student can know the provisions of each of the issues presented.					
ILO8	Know what is meant by the letter of guarantee and its distinguishing characteristics, and explain its elements, cover, and the possibility of seizing it.	Detailed explanation					
ILO9	Knowing the definition and characteristics of the simple credit opening contract, determining its legal nature, knowing its types and forms, and clarifying the legal effects resulting from it.	Detailed explanation					
ILO10	Knowing what is meant by a documentary credit and knowing the parties to a documentary credit and its types Knowing the documents required for a documentary credit	Detailed explanation					
ILO11	Knowing the legal nature of the documentary credit and its compatibility with other techniques similar to it in the civil law. Knowing the legal authenticity enjoyed by the predicate credit and distinguishing it from other similar operations, and knowing the legal effects resulting from it.	Detailed explanation with examples					
ILO12	Knowing the meaning of the bank transfer, knowing its parties and its various forms, knowing the legal nature of it and the legal effects resulting from	Detailed explanation with illustrative examples					

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7- Practice Tools:

Tool Name	Description
1- Banks	
2- Attending court sessions in the Justice Palace	
3- Follow up on conferences held by the Ministry of Justice and the Bar Association	
4- Legal groups established through social media platforms.	
5- Arbitration courses.	

8- Main References

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- Antoine Sarkis, "Banking Secrecy in the Light of Globalization," Al-Habi Human Rights Publications 2008.

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9- Additional References

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- Uniform Rules and Customs for Documentary Credits issued by the International Chamber of Commerce, No. 600 of 2007.

- The Uniform Rules for the Letter of Demand Bank Guarantee issued by the International Chamber of Commerce, No. 758 dated 2010.

- Syrian Trade Law No. 33 of 2007.

- Bank Secrecy Law No. 30 of 2010.

- Syrian Civil Code No. 84 of 1949.