

دور الهيئة العامة لسوق المال في حماية أقلية المساهمين في الشركات المساهمة (دراسة مقارنة في النظامين السعودي والمصري)

مقدمة من الباحث محمد عطا الله علي الماضي

لنيل درجة الماجستير في الحقوق

لجنة المناقشة والحكم على الرسالة

مشرفا ورئيسا الأستاذة الدكتورة / سميحة القليوبي أستاذ القانون التجاري والبحري كلية الحقوق

جامعة القاهرة

مشرفا وعضوا الأستاذ الدكتور / محمود مختار بريرى

أستاذ القانون التجاري والبحري كلية الحقوق

جامعة القاهرة

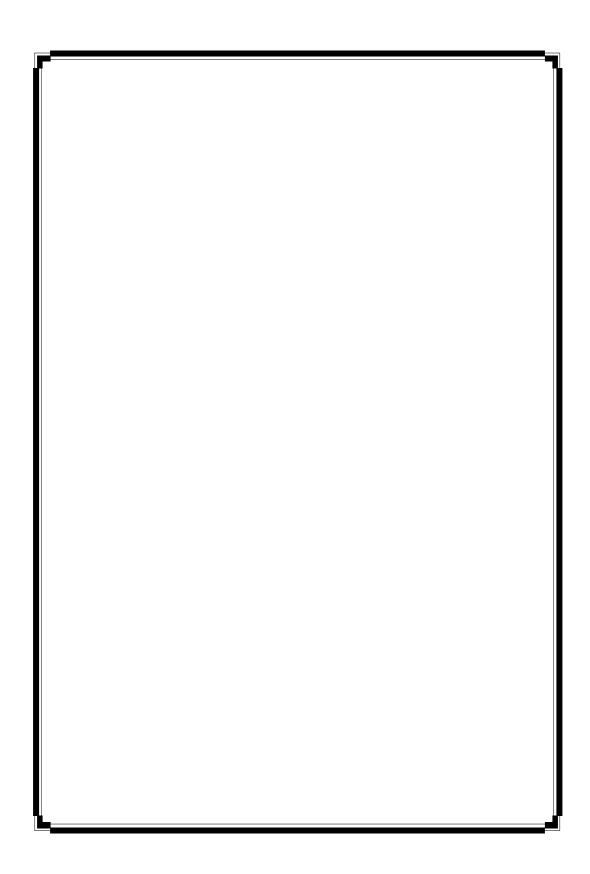
الأستاذة الدكتورة / نادية محمد معوض عضوأ

أستاذ القانون التجارى والبحرى كلية الحقوق

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جامعة القاهرة



إهداء

إلى معلمي الأول بعد رسول الله .. عطالله الماضي.

إلى والدتي.

إلى إخواني .. وأخواتي.

إلى عبدالرزاق وعبداللطيف الماضي .

إلى كل من ساهم في خروج هذا البحث.

الباحث.

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وهو سبحانه وتعالى ولي التوفيق.

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This study deals with the role of the public institution of stock market in protecting minorities of shareholders in the stock companies in both Egyptian and Saudi laws. Through this subject the researcher aims to highlight upon the features of this protection in the caparisoned two laws. This study includes two basic chapters preceded by introduction chapter.

Where, the focus of this study is the role of stock market institute in protecting minorities of shareholders so, it its necessary to identify stock market institute, its composition, formation, conditions that should be available in the institute member and the authorities and specification of the institute. The introduction chapter continues to identify minority concept, its definition and role in the company existence and illustrates the difference between minority shareholder and negative shareholder this includes explaining the importance of minority protection against the majority because this protection provides the general balance for company's structure between members who gain the majority of shares, so they own the necessary authorities to direct and mange the company for its success, and use of this majority to its authorities and validations as a tool to harm the other shareholders in the company. This contradiction between the later two considerations makes it is so difficult to appropriate between them except by adoption of minority protection principle through executes more efficient laws.

This study concerns with the oppression decisions that may be issued by the general assembly against minority of shareholders, this decisions may be related to dealing stage, adding profits to reserve, increase the capital amount or at exempting of board of directors members from responsibility.

After that the researcher concentrates upon the control role of the auditor and shareholder using of his right to call a suite personally or in the name of the company.