

# ISLAMIC FINANCE SEMINAR

## Legal Documentation, Recovery and Dispute Resolution for Islamic Finance Facilities in Malaysia

Organised by

**LEGAL LOGIC ASIA**  
THE INFORMATION PROFESSIONALS

**Date** | 4<sup>th</sup> & 5<sup>th</sup> July 2018  
**Venue** | Concorde Hotel,  
Kuala Lumpur

**Speaker** | Dr. Mohd Johan Lee

## ABOUT THE SEMINAR

This 2-day intensive seminar aims to provide delegates with a comprehensive understanding of the key issues and latest developments facing Islamic Banking and Finance transactions in Malaysia. The programme will focus on the crucial legal, regulatory and Shariah issues surrounding legal documentation and the recovery of Islamic Facilities in Malaysia.

The key topics of this seminar include:

- **Latest/new requirements under Ijarah and Tawarruq policy documents issued by Bank Negara Malaysia**
- **Shariah Principles and Latest Development on the Regulatory Framework in Islamic Finance**
- **Drafting of effective legal documentation for Islamic Finance Facilities and associated issues for the recovery process in Islamic finance facilities**
- **How to avoid common mistakes when dealing with Islamic Facilities Transactions**
- **Legal procedures and its application for the recovery process in Islamic banking**
- **Key compliance issues and practices of recovery for Islamic Financial Products in Malaysia**
- **Landmark case decisions affecting the practice of Islamic Finance and the law in Malaysia**

## WHO SHOULD ATTEND

- Lawyers
- Auditors
- Islamic Banking Manager
- Regulators
- Researchers & Academicians
- Bank officers specialising in credit, recovery and litigation
- In-house counsels/lawyers
- Shariah Compliance Managers
- Shariah Scholars

# PROGRAMME

## DAY 1 | 4<sup>th</sup> July 2018

### Latest Issues in Legal Documentation for Islamic Finance

9.00am – 10.30am	<b>Shariah Principles and Latest Development on the Regulatory Framework in Islamic Finance</b> <ul style="list-style-type: none"><li>Examining general principles of Islamic law, Fiqh and Muamalat<ul style="list-style-type: none"><li>Riba, Gharar, Maysir, and prohibited subject matters</li></ul></li><li>Latest Development on the Regulatory Framework in Malaysia<ul style="list-style-type: none"><li>IFSA 2013, FSA 2013, DAFIA, CBMA 2009</li></ul></li></ul>
10.30am – 11.00am	Coffee Break
11.00am – 12.30pm	<b>Legal Documentation for Islamic Finance Transactions</b> <ul style="list-style-type: none"><li>Key considerations when drafting Islamic legal documentation</li><li>Difference between conventional legal documentation and Islamic legal documentation</li></ul>
12.30pm – 2.00pm	Lunch Break
2.00pm – 3.30pm	<b>Practices and Current Developments on Ijarah Facilities in Malaysia</b> <ul style="list-style-type: none"><li>Latest BNM Policy Document, Practices, and Legal Documentation</li></ul>
3.30pm – 4.00pm	Tea Break
4.00pm – 5.30pm	<b>Practices and Current Developments on Tawarruq Facilities in Malaysia</b> <ul style="list-style-type: none"><li>Latest BNM Policy Document, Practices, and Legal Documentation</li></ul>

## Day 2 | 5<sup>th</sup> July 2018

### Recovery And Dispute Resolution For Islamic Finance

9.00am – 10.30 am	<b>Recovery in Islamic Banking: Key Shariah Features</b> <ul style="list-style-type: none"><li>Aqad,</li><li>Types of Contracts</li><li>Cause of Action</li><li>Pleadings</li></ul>
10.30am – 11.00am	Coffee Break
11.00am – 12.30pm	<b>Special Position of Shariah Advisory Council (SAC)</b> <ul style="list-style-type: none"><li>Position of SAC</li><li>Referral to SAC as of Right – when reference should be made to SAC</li><li>Specific Referral to SAC</li><li>Application of Section 56 &amp; Section 57 of the Central Bank of Malaysia Act 2009</li></ul>
12.30pm – 2.00pm	Lunch Break
2.00pm – 3.30pm	<b>Recovery in Islamic Banking: Ibra', Tawidh and Gharammah</b> <ul style="list-style-type: none"><li>Ibra', Tawidh and Gharammah under the current Bank Negara Malaysia Guidelines</li><li>What the Bank Can Charge?</li><li>Ibra' in Default Settlement: Which law / provision to refer to?</li><li>How to charge Ta'widh and Gharammah</li><li>How to plead for Ibra', Ta'widh and Gharammah</li><li>Requirements under the current court system and the Rules of Court 2012</li></ul>
3.30pm – 4.00pm	Tea Break
4.00pm – 5.30pm	<b>Recovery in Islamic Banking: Pleading it correctly</b> <ul style="list-style-type: none"><li>BBA and Bai Al-Inah contracts</li><li>Murabahah &amp; Tawarruq contracts</li><li>Ijarah &amp; Musharakah Mutanaqisah contracts</li></ul>

# SPEAKER PROFILE

## Dr. Mohd Johan Lee Kien How



Johan is the managing partner of J. Lee & Associates. The firm is now a member of Primerus law, an international legal chambers group consisting of law firms worldwide.

He graduated with LLB (Hons) degree from International Islamic University Malaysia and has a Phd in Law from Monash University, Australia. He also holds a Master of Comparative Laws degree, a post-graduate Diploma in Shariah and Legal Practice both of which from International Islamic University Malaysia and, an MA in Economics for Competition Law from King's Collage London. He is currently a qualified member of the Chartered Institute of Arbitrators, UK as well as a mediator with the Malaysian Mediation Centre. He is an advocate and solicitor of the High Court of Malaya, the Shariah Court and the Supreme Court of Brunei.

He lectures part-time in a few local law schools (namely IIUM for the LLM, Unisza and UM for the LLB programmes) and in the liBF of IIUM for the MSc.in Islamic Banking programme. He also occasionally conducts in-house trainings to various Islamic banking institutions worldwide, governmental and semi-governmental institutions. He has lectured and provided training in the Institute Latihan Kehakiman (ILKAP) as well as Jabatan Kehakiman Syariah Malaysia (JKSM) for both civil courts and Shariah courts judges concerning Islamic banking. He has also trained the officers from BNM, and all local banks and few other central banks throughout the world on Islamic Banking. In 2006, he was a visiting scholar to the Asian Law Centre of the University of Washington. He is currently a shariah consultant to few governmental agencies as well as few government-funded banks.

Johan was a member of the Board of Studies of the Institute of Islamic Banking and Finance, International Islamic University Malaysia for the 2010-2012 tenure. He was

also a member of the Board of Studies of the Faculty of Law of University Malaya for the 2015-2017 tenure. He was in the syllabus endorsement committee in for the INCEIF, and the CIMA. He was recently accredited as a senior trainer of the IBFIM and a trainer of the Associations of Shariah Advisors (ASAS), Malaysian Institute of Accountants (MIA) and the Institute of Internal Auditors Malaysia (IIA). He was in the committee of the law reform committee established by the Attorney General office, and he has recently been awarded the prestigious award of Islamic Finance Expert by LEGALS FINEST International.

He has authored few text books and reference books and written few articles on Islamic banking published globally notably:

- Legal Documentation for Islamic Banking, IBFIM (2014)
- IFSA 2013: Commentaries on Islamic Banking and Finance, CLJ Publication (2015)
- Islamic Finance: Recovery, Rescheduling, and Restructuring of Islamic Banking Facilities, LexisNexis (2016)
- Islamic Finance: Shariah Theories, Principles, Practice, and Legal Documentation in Malaysia, Lexis Nexis (2017)
- Muamalat, in, Ballini Pathmanathan (Ed) Bullen & Leaks & Jacob's Malaysian Precedents of Pleading, Thomson Reuters, (2017)
- Muamalat , Malaysian Precedents & Forms, Lexis Nexis (2018)

He is now a member of the Shariah Advisory Council (SAC) of the Association of Islamic Banks Malaysia (AIBIM). Also, he is a consultant to few law firms and practices in Malaysia, Brunei, Singapore, Indonesia and the UK. He has drafted and developed numerous Islamic banking legal documents and products in Malaysia and overseas. Johan is also a director of the IIUM Shariah Advisory Services Sdn. Bhd.

# REGISTRATION FORM

## Registration Fee

<b>EARLY BIRD</b>	Register & pay <b>BY 26 June 2018</b>	<b>NORMAL PRICE</b>	Register & pay <b>AFTER 26 June 2018</b>
<input type="checkbox"/> Day 1 & 2	<b>RM1400</b>	<input type="checkbox"/> Day 1 & 2	<b>RM1600</b>
<input type="checkbox"/> Day 1	<b>RM850</b>	<input type="checkbox"/> Day 1	<b>RM950</b>
<input type="checkbox"/> Day 2	<b>RM850</b>	<input type="checkbox"/> Day 2	<b>RM950</b>

## Contact Details (Use only capital letters)

Full Name <small>(as in Passport / Identity Card)</small>		
Institution/Company	Designation	
Address		
Address 2		
City	Postcode	
Country	Mobile Contact	
Telephone	Fax	Email

## METHOD OF PAYMENT

### Method of Payment

Please check one of the Boxes below for the method of payment.

Payment must be made in advance of the seminar. Payment can be made by cheque, bank draft or bank transfer.

### I would like to pay by:

- Cheque  
 Bank Draft  
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Payment by cheque and bank draft must be made payable to:  
**“Legal Logic Asia Sdn Bhd”**

Payment by Bank Transfer must be made to:

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**RHB Bank Berhad**  
**Account No: 21218900049447**

Please complete registration details and email/fax the registration form and proof of payment to:  
[sales@legallogicasia.com](mailto:sales@legallogicasia.com) or fax  
 +60327247194

## Delegates Information

1) Full Name <small>(as in Passport / Identity Card)</small>	
Institution/Company	Email
2) Full Name <small>(as in Passport / Identity Card)</small>	
Institution/Company	Email
3) Full Name <small>(as in Passport / Identity Card)</small>	
Institution/Company	Email

### Cancellations

If you are unable to attend, a substitute delegate is welcome at no extra cost. A complete set of seminar documentation / materials and a 50% refund will be given for cancellations received in writing not later than 5 working days prior to the seminar date. No refunds will be given for cancellations received less than 5 working days prior to the seminar date.

Signature

Date

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## CONTACT DETAILS

### Legal Logic Asia Sdn Bhd

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