

The Learning Conference ISLAMIC BANKING AND FINANCE LAW 2014

Organisers



Date

19 & 20 February 2014

Venue

The Ritz Carlton, Kuala Lumpur

Website

www.shariahlaw.com/ibfl2014

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The Islamic Banking & Finance Law (IBFL) 2014 was the first of the series of upcoming learner-driven conferences aptly known as “The Learning Conference”. An initiative of the Malaysian Current Law Journal these conferences will focus on different key corporate and legal areas within the region. It aims to convene conferences that will have profound impact on the participants by delivering substantive content in an engaging and interactive manner to achieve effective and comprehensive learning by all delegates.



IBFL 2014 platformed on a study of the dynamics of national and international Islamic Banking and Finance laws, policies and developments that are critical knowledge in this high-growth area. Focus was on essential principles, current practices and future opportunities delivered through an esteemed panel of speakers.

The key objective of this Learning Conference was to demystify Islamic Banking and Finance, for the legal and corporate communities, both within and outside Malaysia. Emphasis was given to the key issues surrounding Shariah compliance, and an exploration of the applicable regulatory frameworks and documentation of this specialist area. The keynote speakers challenged the boundaries of the industry with insightful perspectives on the fundamental aspects of Islamic Banking and Finance Law.



The IBFL was supported by the Financial Accreditation Agency of Malaysia; Bar Council Malaysia (BC) and Malaysian Institute of Accountants (MIA). Participants were awarded 10 Continual Professional Development (CPD) points from the Bar Council Malaysia and 16 Continual Professional Education (CPE) points by the Malaysian Institute of Accountants depending on their eligibility. Certificates of Attendance issued jointly by BC and CLJ were also awarded to all participants who successfully attended the two-day conference.



On the Event



Keynote Address Speaker



YA Bhg Tun Abdul Hamid
Former Chief Justice, Malaysia;
Syariah Advisory Council, Securities Commission Malaysia

Tun Abdul Hamid Mohamad (born 1942, 71) was the Chief Justice of Malaysia from 2007 to 2008. In the course of his career, he had served as Judge in all the courts in the country, Civil as well as Shari'ah. Abdul Hamid Mohamad joined the Judicial and Legal Service, after obtaining his law degree from the University of Singapore. For 21 years, he served as Magistrate, President of Sessions Court, Assistant Director of the Legal Aid Bureau, Deputy Registrar of the High Court, State Legal Advisor, Senior Federal Counsel of the Inland Revenue Department, and Head of Prosecution in the Attorney General's Chambers.

On 1 May 1990, Abdul Hamid Mohamad was appointed as Judicial Commissioner and later as High Court Judge, Court of Appeal Judge, Federal Court Judge and President of the Court of Appeal. About a year before reaching his mandatory retirement age, he was appointed as the Chief Justice of Malaysia. Hamid retired on 18 October 2008 and was awarded the Seri Setia Mahkota (S.S.M.) by the Yang di-Pertuan Agong which carries the title of "Tun".

He is now Chairman of the Law Harmonizing Committee of Bank Negara Malaysia, a member of the Shari'ah Advisory Council of Bank Negara as well as of the Securities Commission, a member of the Judicial Appointments Commission and a member of the Shari'ah and Civil Law Harmonizing Committee of Brunei Darussalam. He is also an Adjunct Professor of the Universiti Tenaga Nasional Malaysia (UNITEN) and Universiti Kebangsaan Malaysia (UKM).

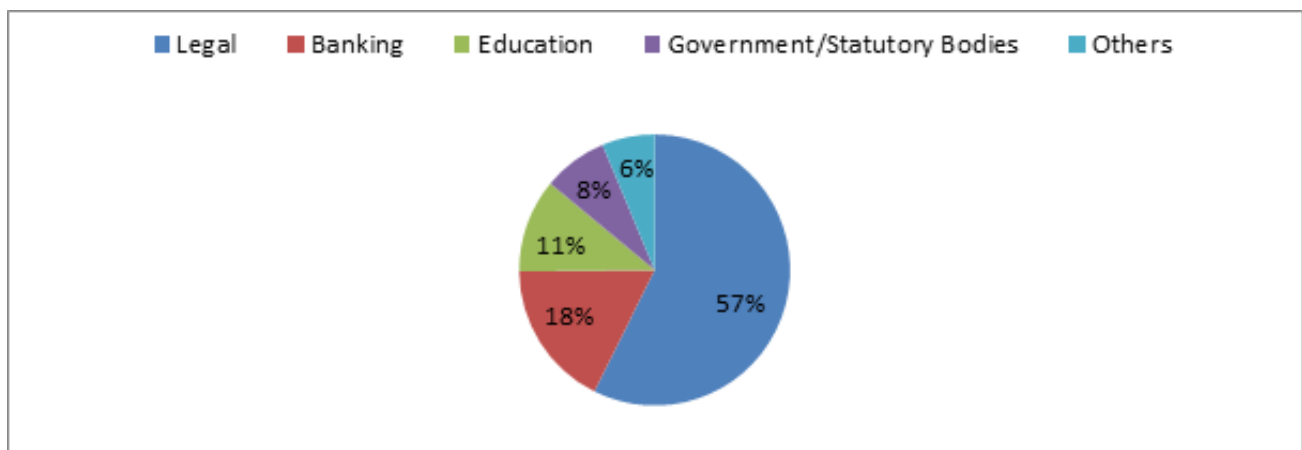
Dignitaries & V.I.P

- His Lordship Justice Ibrahim Bukar, Chief Judge Nigeria
- Uztaz Shuaib Hussain Zakariyya and Shaikh Yoosuf Hussain from High Court of Maldives
- Fouad Janahi, Khalid Al Qattan and Moes Mokhtar from Al-Baraka Banking Group
- Datin Jeyanthini Kannaperan Senior Partner, Shearn Delamore & Co
- Mohd Ridhuan Bin Md Kamal, Malik Irshad Hameed and Trilby Oriante Hague from Zaid Ibrahim & Co
- Lina Nadrah Jaafar, Hafizah Md Annuar and Nurul Asyikin Abdul Ghani from Kadir, Andri & Partners



Participant Profile

The event saw as many as 150 participants, guests and speakers from different sectors, with legal practitioners constituting the majority numbers. Feedback has been tremendously good, and we are pleased to note that the event has achieved its aim in imparting and sharing the knowledge and know-how of Islamic banking and finance.



Press Release

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The Learning Conference Islamic Banking & Finance Law 2014


On 19 and 20 February 2014, the Malaysian Current Law Journal and the Bar Council Malaysia jointly presented "The Learning Conference" – a notable learner driven conference focusing various key corporate and legal aspects within the region. The inaugural two-day conference entitled Islamic Banking & Finance Law (IBFL) 2014 was held at a leading hotel in downtown Kuala Lumpur.

The Learning Conference was aimed at creating impactful learning experiences for participants through the delivery of

substantive content on Islamic banking and finance law in an engaging and interactive manner so as to provide effective and comprehensive learning experiences to the delegates.

IBFL 2014 proved to be a platform to expound on critical knowledge and the dynamics of national and international Islamic banking and finance laws, policies and developments that are crucial in this high potential growth sector. The conference focused on key principles, current practices and future opportunities delivered by a panel of

top-notch academics, bankers and legal practitioners. Much emphasis was given to issues surrounding Shariah compliance and the application of regulatory frameworks as well as documentation in this area.

The conference featured topics such as the Basic Principles of Islamic Banking and Finance, Opportunities and Challenges in Islamic Banking and Finance, and the Harmonisation of Islamic Finance Law and Civil Banking Practice, among other interesting and thought-provoking topics. 

56 Islamic Banker Asia March 2014

Perlu punyai undang-undang patuh syariah

KUALA LUMPUR 19 Feb. – Malaysia perlu mempunyai undang-undang patuh syariah berhubung pendokumentasian urusan niaga kewangan Islam untuk menyelesaikan pertikaian yang mungkin timbul daripada urusan niaga itu, kata bekas Ketua Hakim Negara, Tun Abdul Hamid Mohamad.

Abdul Hamid berkata, Malaysia perlu bergerak pantas ke arah itu kerana memiliki banyak kelebihan, berbanding negara lain termasuk kedudukannya sebagai negara Islam di mata dunia.

"Di peringkat antara-bangsa, Malaysia dilihat sebagai model negara Islam.

Oleh itu, sudah sewajarnya Malaysia menjadi hab kewangan Islam," katanya ketika menyampaikan ucapan pada Persidangan Pembelajaran Perbankan dan Kewangan Islam di sini hari ini.

Abdul Hamid berkata, sejak mula hingga kini, negara terabit hanya



ABDUL HAMID

memberi fokus terhadap usaha melahirkan produk patuh syariah, "tetapi terdapat satu bidang (urusan niaga kewangan Islam) yang tidak diberi tumpuan iaitu mewujudkan undang-undang serasi syariah dalam melaksanakan produk berkenaan dan untuk menyelesaikan pertikaian yang timbul daripadanya.

"Kita tahu bahawa undang-und

ang Inggeris boleh diguna pakai, tetapi ia tidak seluruhnya serasi dengan syariah dan kita juga tahu peguam dan hakim Inggeris tidak terlatih dalam bidang syariah. Kita tahu kebanyakan hakim, paling tidak pun, memandang remeh terhadap syariah," katanya.

Abdul Hamid berkata, hakim perlu melengkapkan diri dengan pengetahuan secukupnya tentang kewangan Islam dan syariah untuk mengendalikan atau menangani kes berkaitan perkara itu.

"Mereka boleh mula membuat

pembacaan tentang subjek berkenaan. Di samping itu, badan kehakiman juga perlu mengadakan kursus, sekurang-kurangnya untuk hakim terpilih, tentang subjek ini," katanya.

Sementara itu, Abdul Hamid menyarankan kepada peguam supaya tidak hanya berfikir untuk mewakili pelanggan dalam kes saman berkaitan hutang, tetapi juga tentang kontrak merentas sempadan yang melibatkan syarikat multinasional dalam urusan niaga kewangan Islam.

- BERKATA

Press Release

Liberalisasi perkhidmatan undang-undang

KUALA LUMPUR 19 Feb. - Liberalisasi perkhidmatan undang-undang sesungguhnya mampu mengukuhkan aliran perdagangan dan pelaburan bagi Malaysia, kata bekas Ketua Hakim Negara, Tun Abdul Hamid Mohamad.

Malangnya ujar beliau, perkara tersebut dilihat tidak mendapat tumpuan di Malaysia sekali pun perbincangan antara kerajaan dan Majlis Peguam telah berjalan sejak 2006.

Katanya, Singapura yang telah melaksanakannya sehingga kini berjaya menarik firma-firma besar termasuk yang sebelum ini menunjukkan minat untuk datang ke Malaysia.

"Apabila China melaksanakan liberalisasi sektor perkhidmatan undang-undang pada akhir 2001, kira-kira 104 firma undang-undang luar negara telah membuka pejabat di sana dan jumlah ini meningkat dua kali ganda kepada 208 pada 2011.

"Keadaan itu seterusnya memudahkannya urusan menarik pelaburan langsung asing (FDI) sebanyak AS\$116 (RM383) bilion. Hasilnya China sekarang berjaya membuka pejabat cawangan bagi pusat ke-



ABDUL HAMID MOHAMAD

wangan di London dan New York," katanya ketika menyampaikan ucapan pada Persidangan Pembelajaran Perbankan Islamik dan Kewangan Undang-Undang hari ini.

Turut hadir, Pengarah Urusan Malaysia Current Law Journal (MCLJ), Rostina Gaus.

Abdul Hamid berkata, firma undang-undang amat diperlukan di Malaysia dalam menjana minat pemain industri terlibat bagi membuka lebih banyak peluang untuk kewangan Islam menerusi sukuk, dana Islam dan medium lain.

Katanya, ketiadaan firma berkecuali di dalam negara meletakkan Malaysia pada tahap lemah dari aspek kos dan kecekapan berbanding pusat antarabangsa lain.

Katanya, negara ini mempunyai pelbagai perkhidmatan profesional kecuali firma undang-undang yang boleh menyediakan khidmat nasihat ke atas transaksi serantau meluas.

"Sekiranya firma undang-undang ini wujud, Malaysia boleh mendapat manfaat melalui kerjasama dengan firma undang-undang luar negara untuk menasihati berkaitan perjanjian jual beli hartanah, sukuk dan dana Islam.

"Menyedari kepentingan ini, negara luar seperti China dan Jepun turut mengambil langkah positif untuk menawarkan profesion undang-undang mereka walaupun bukan negara menggunakan bahasa Inggeris sebagai bahasa undang-undang," katanya.

Beliau berkata, negara ini kekurangan penasihat profesional terutamanya dari firma undang-undang dalam perspektif untuk menjana peluang pelaburan dan perniagaan dari luar negara bagi industri pengurusan kekayaan Islam.