NAME OF COURSE/MODULE:	Legal Asp	ects of Islan	nic Finance									
COURSE CODE: رمز المادة	LAB4122											
NAME(S) OF ACADEMIC STAFF:	LLB Hons Bachelor of Master of PhD (Durh Advocate	ASSOCIATE PROFESSOR DR. ZULKIFLI HASAN LLB Hons (IIUM) Bachelor of Shariah (IIUM) Master of Comparative Laws (IIUM) PhD (Durham University, UK) Advocate and Solicitor (Non-Practicing) Fulbright Fellow (USA)										
RATIONALE FOR THE INCLUSION OF THE COURSE/MODULE IN THE PROGRAMME: مناسبة المادة للبرنامج	LAB4122 is an elective subject for SMFF program. Students who are offered Islamic Finance package in the program are required to register for this subject. Legal aspects of Islamic Finance represents an integral component in the Islamic financial structure. Therefore, knowledge and understanding of matters related to legal and regulatory framework on Islamic finance are imperative for Islamic finance student.											
SEMESTER AND YEAR OFFERED:	Semester 6	6 / Year 3										
TOTAL STUDENT LEARNING TIME (SLT) زمن التعلّم للطالب		FACE T	O FACE			NON FACE	TO FACE		TOTAL SLT			
L = Lecture T = Tutorial	L	Т	Р	0	L	Т	Р	O				
P = Practical O= Others	14	14		10.5	14	14		27	93.5			
CREDIT VALUE: الساعات المعتمدة	2 [93.5/4	2 [93.5/40 = 2.3375]										

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PREREQUISITE (IF ANY): المتطلب السابق LEARNING OUTCOMES: حصيلة التعليم	(LO2-CT4-F	Nil CLO1: Explain and analyse the development and the regulatory framework of Islamic finance and its application (LO2-CT4-K4) CLO2: Research and apply the relevant rules and laws relating to Islamic finance (LO5-TS4-A5)									
TRANSFERABLE SKILLS: نقل المهارات		1. Knowledge									
- 9 4 8	2. Sh	ariah application									
TEACHING-LEARNING AND ASSESSMENT STRATEGY:	CLO	TEACHING - LEARNING STRATEGY (TLA)	ASSESSMENT STRATE	GY							
استراتيجية التعليم والتقييم	1	Lecture	Mid semester test (1 hour) Final examination (2 hour 30 minutes)								
	2	Group project / aasignment	Report writing (1 report) and presentation	on							
SYNOPSIS: وصف المادة	This course deals with the legal aspects of Islamic finance and its practices in Malaysia. It outlines the theoretical and practical aspects of Islamic finance particularly in the areas of Islamic banking and takaful. This course covers various aspects of Islamic finance and these include rules and regulation, principles of Islamic law of transactions and its application, <i>Shari'ah</i> and corporate governance, products and services, legal documentation and operational framework. This course exposes the students to the regulatory frameworks of Islamic banking and finance, which centred on the examination of relevant statutes, case law, jurisdiction of the courts and the role of <i>Shari'ah</i> advisory council and <i>Shari'ah</i> committee. Occasionally an attempt is made to consult the law and the practices of other jurisdictions for comparative perspective. The main statutes introduced in this course are the Central Bank of Malaysia Act 2009 and the Islamic Financial Services Act 2013.										
MODE OF DELIVERY: طرق التدريس	Lecture and Tutorial										
ASSESSMENT METHODS AND TYPES:	CLO	ASSESSMENT TYPE	SLT	WEIGHTAGE							

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طرق التقييم وأنواعه	1		ter test + Final E	xamination		56/68x100 = 82%	0.82
	2	Group assi	gnment			12/68x100 = 18%	0.18
	CLO	TYPE	OF CONTINUO	US ASSESSMI	ENT	TYPE OF SUMMATIVE ASSESSMENT	TOTAL
	OLO	Mid Term	Presentation	Assignment	Report	Final Exam	TOTAL
	1	15				60	
	2		10	15			
							100

MAPPING OF THE COURSE/MODULE TO THE PROGRAMME AIMS**												
خرائط لنتائج التعليم مع أهداف البرنامج												
PEO1	PEO2	PEO3	PEO4	PEO5								
V	√											

	MAPPING OF THE COURSE/MODULE TO THE PROGRAMME LEARNING OUTCOMES***												
	خرائط لنتائج التعليم مع أهداف المادة												
PLO1	PLO2	PLO3	PLO4	PLO5	PLO6	PLO7	PLO8	PLO9	PLO10	PLO11	PLO12		
√													

^{*}Please delete accordingly to the PEO and PLO.

CONTENT OUTLINE OF THE COURSE/MODULE AND THE SLT PER TOPIC

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	رسم الخرائط للتعلم												
CLO	WEEK	TOPIC/CONTENT	TLA	F2F	NF2F	TOTAL	ASSESSMENT TYPES	F2F	NF2F	TOTAL	TOTAL SLT		
		Introduction to Islamic Banking and Finance	Lecture + Tutorial	2	2	4							
	2	The Basis of the Introduction of Islamic Banking System The Islamic Commercial Contracts	Lecture + Tutorial	2	2	4							
	3,4 and 5	Regulations on Islamic Banking and Finance in Malaysia Rationale for Regulations Jurisdiction of the Malaysian Courts in Islamic Banking and Finance		6	6	12							
1	6	Shariah Governance Framework	Lecture + Tutorial	2	2	4							
	7	Regulatory framework of Islamic finance in other jurisdictions	Lecture + Tutorial	2	2	4	Mid Semester Test	1	3				
	8-9	Legal Issues on Islamic Financial Products	Lecture + Tutorial	4	4	8	Final Examination	2.5	7	13.5	69.5		
	10 & 11	Legal Aspects in the Structuring of Islamic Banking and Finance Products Legal Documentation on Selected Islamic banking products	Lecture + Tutorial	4	4	8							

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11-12	Takaful Shari'ah and Regulatory Framework of Takaful	Lecture + Tutorial	4	4	8				
13-14	Takaful Models Takaful Products Operational Framework of Takaful		4	4	8				
		TOTAL	28	28	56	3.5	10	13.5	69.5

CLO	WEEK	TOPIC/CONTENT	TLA	F2F	NF2F	TOTAL	ASSESSMENT TYPES	F2F	NF2F	TOTAL	TOTAL SLT
		Regulations on Islamic Banking and Finance in Malaysia and Rationale for Regulations									
2	6	Jurisdiction of the Malaysian Courts in Islamic Banking and Finance									
	7 & 8	Legal Issues on Islamic Financial Products									
		Legal Aspects in the Structuring of Islamic Banking and Finance Products and Legal Documentation on Selected Islamic banking products		6	6	12	Written report	1	11	12	24

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11 & 13	Takaful Model Shari'ah and Regulatory Framework of Takaful Operational framework of Takadul								
	oporational manners of randadi	TOTAL	6	6	12	1	11	12	24

DEVELO	DEVELOPMENT OF LESSON PLAN								
CLO	WEEK	INPUT/TOPIC/CONTENT	TOPIC LEARNING OUTCOME	TLA	TEACHING MATERIALS/ EQUIPMENT	ASSESSMENT STRATEGY			
1	1&2	Introduction to Islamic Banking and Finance The Basis of the Introduction of Islamic Banking System The Islamic Commercial Contracts	Discussion on the following: - Overview of modern financial management of banking, insurance and capital market. - Theories of Islamic Economic. - History of Islamic banking and finance. The establishment of Islamic banks worldwide both in the Muslim and non-Muslim countries. - Salient features of Islamic banking and finance.	- Lecture (slide and video presentation) - Tutorial	ISRA. (2 nd Ed). (2015). <i>Islamic Financial System, Principles and Operations</i> . Kuala Lumpur: ISRA Publication.	SUMMATIVE: - Mid term examination - Final examination			

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			 Regulatory authorities Regulatory structures The Prohibition of Usury, Maysir, Gharar and Khatar in Islamic Commercial Law. Foundational axioms: adl (social justice), rububiyah (nourishment and directing things their perfection) and tazkiyah (growth with prufication) Gratituous Contracts: Hibah, waqf, Qard, Ibra' Trading Contracts: Ijarah, Murabahah, Istisna' etc; Investment Contracts: Mudharabah, Musharakah; Supporting Contracts; Wakalah, Kafalah, Hawalah, Jua'lah, etc. 			
1	3-5	Regulations on Islamic Banking and Finance in Malaysia Rationale for Regulations Jurisdiction of the Malaysian Courts in Islamic Banking and Finance	 Discussion on the following: The Role of Central Bank of Malaysia in both Conventional and Islamic Banking. Important Provisions of the Islamic Banking Act 1983 and Banking and Financial Institutions Act 1989. 	- Lecture (slide and presentation) - Tutorial	Nik Nozrul Thani, Mohamed Ridza and Megat Hizaini. (2003). Law and Practice of Islamic Banking and Finance. Kuala Lumpur: Thomson. Hasan, Z. and Asutay, M. (2011). An Analysis of the	SUMMATIVE: - Mid term examination - Final examination

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			 The Central Bank of Malaysia Act 2009 Salient features of the Islamic Financial Services Act 2013 Related Laws on Islamic Banking and Finance Anti-Money Laundering and Anti-Terrorism Financing Act 2001 Legal Issues Federal Constitution Cases Decided by the Malaysian Courts on Islamic Banking and Finance Cases decided in other jurisdictions: United Kingdom, United States, GCC Countries, India and etc. Continuing Developments—eg Muamalat Bench, Syariah Community. 		Courts Decisions on Islamic Finance Disputes, the ISRA International Journal of Islamic Finance, 3 (2): 41-71	
1&2	6	Shariah Governance Framework	 Discussion on the following: Law and guidelines for Shari'ah Governance Shariah Supervisory Board-Role and Responsibility. Shariah Compliance Review, Audit and Governance AAOIFI's Audit and Governance Standards IFSB Rules and Guidelines 	Lecture (slide and presentation) Tutorial	Hasan, Z. (2012). Shari'ah Governance in Islamic Banks. Edinburgh: Edinburgh University Press.	SUMMATIVE: - Mid term examination - Final examination

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			-			
1	7	Regulatory framework of Islamic finance in other jurisdictions	Discussion on the regulatory framework of the following countries: - Bahrain - UAE - Kuwait - Qatar - United Kingdom - Saudi Arabia - Indonesia - Pakistan	- Lecture (slide and presentation) - Tutorial	Hasan, Z. (2010). Regulatory Framework of Shari'ah Governance System in Malaysia, GCC Countries and the UK, Kyoto Bulletin of Islamic Area Studies, 3 (2), 82-115.	SUMMATIVE: - Mid term examination - Final examination
1&2	8	Legal Issues on Islamic Financial Products	Discussion on the following legal issues: - Debt-based financing - BBA, Inah, Murabahah, Istisna, Salam, Ijarah and etc Home financing, project financing, corporate financing, investment financing Cases Commentaries - Equity-based Financing: Musharakah and mudharabah - Deposit Products: Saving account, current account and investment account	- Lecture (slide and presentation) - Tutorial	ISRA. (2 nd Ed). (2015). Islamic Financial System, Principles and Operations. Kuala Lumpur: ISRA Publication. Ramli R. Et. al. (2013). Issues in Islamic Finance From The Practitioners' Perspective. Kuala Lumpur: IBFIM	SUMMATIVE: - Mid term examination - Final examination
1&2	9-10	Legal Aspects in the Structuring of Islamic	Discussion on the legal aspects of the following:	- Lecture (slide and presentation)	Lee, Johan. (2014). Legal Documentation for Islamic	SUMMATIVE: - Mid term

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		Banking and Finance Products Legal Documentation on Selected Islamic banking products Introduction to Takaful	 Islamic sources of fund-Overview of Islamic banking accounts and instruments, Saving account, current account and general investment account. Structuring of Products (Identifying needs of Clients, Applying and Assimilating the Islamic Commercial Contracts – Contemporary Islamic Banking Products and Instruments (e.g. Asset Financing, Credit Card, Factoring, Working Capital, Letter of Credits) Understanding and Identifying Legal Documentations Relating to Islamic Banking and Finance Products. Debt Financing: BBA House financing, Bay Inah, Bay Al-Dayn and Ijarah financing facility. Equity Financing: Mudharabah and Musyarakah Trade Financing: Letter of Credit. Discussion on the following: 	- Tutorial	Banking. Kuala Lumpur: IBFIM. Nik Nozrul Thani, Mohamed Ridza and Megat Hizaini. (2003). Law and Practice of Islamic Banking and Finance. Kuala Lumpur: Thomson.	examination - Final examination
1&2	11 and 12	Shari'ah and Regulatory Framework of Takaful	 Concept of Insurance Concept of Takaful Why conventional insurance 	Lecture (slide and presentation)Tutorial	ISRA. (2 nd Ed). (2015). Islamic Financial System, Principles and Operations. Kuala Lumpur: ISRA	SUMMATIVE: - Mid term examination - Final

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			is not accepted by Shari'ah Shari'ah ruling onTakaful Riba, gharar, maysir and other prohibited elements. Differences Between Takaful and Insurance The Development of Takaful Local jurisdiction IFSB Standards Laws Relating to Takaful Salient features of Takaful Act 1984 The Islamic Financial Services Act 2013 and Takaful. Shari'ah Governance and Supervision		Publication. Zulkifli, A.M. Et. al. (2012). Basic Takaful Practices: Entry Level for Practitioners. Kuala Lumpur: IBFIM	examination
1&2	13	Takaful Models Takaful Products	Mudharabah Wakalah Waqf Wadiah Hybrid of Wakalah and Mudharabah Hybrid of Wakalah and Waqf Structuring of Takaful Products and Comparison to Conventional Insurance Types of Takaful Products	Lecture (slide and presentation)Tutorial	ISRA. (2 nd Ed). (2015). Islamic Financial System, Principles and Operations. Kuala Lumpur: ISRA Publication. Zulkifli, A.M. Et. al. (2012). Basic Takaful Practices: Entry Level for Practitioners. Kuala Lumpur: IBFIM.	SUMMATIVE: - Mid term examination - Final examination

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		 General Takaful, Family Takaful Re-Takaful 			
14	Operational Framework of Takaful	Discussion on the following: Legal Documentation on Takaful Participant benefits, Utmost good faith, Insurable Interest, Proximate Cause, Indemnity Shari'ah and Legal Issues Relating to the Application of Takaful Issue on aqd al muawadah, wa'd, gharar and al tabarru, underwriting surplus and indemnity.	- Lecture (slide and presentation) - Tutorial	ISRA. (2 nd Ed). (2015). Islamic Financial System, Principles and Operations. Kuala Lumpur: ISRA Publication. Zulkifli, A.M. Et. al. (2012). Basic Takaful Practices: Entry Level for Practitioners. Kuala Lumpur: IBFIM.	SUMMATIVE: - Mid term examination Final examination

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المراجع	ISRA. (2 nd Ed). (2015). <i>Islamic Financial System, Principles and Operations</i> . Kuala Lumpur: ISRA Publication.
	Lee, Johan. (2014). Legal Documentation for Islamic Banking. Kuala Lumpur: IBFIM.
	Zulkifli, A.M. Et. al. (2012). Basic Takaful Practices: Entry Level for Practitioners. Kuala Lumpur: IBFIM.
	Ramli R. Et. al. (2013). Issues in Islamic Finance From The Practitioners' Perspective. Kuala Lumpur: IBFIM
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Statutes

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Central Bank of Malaysia Act 2009 (Act 701)
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Financial Services Act 2013
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Securities Commission Act 1993
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Rules

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Cases

Affin Bank Berhad v Zulkifli Abdullah [2006] 1 CLJ 447

Arab Malaysian Finance Bhd v Taman Ihsan Jaya Sdn Bhd & Ors (Koperasi Seri Kota Bukit Cheraka Bhd, third party) [2008] 5 MLJ 631; [2009] 1 CLJ 419

Arab Malaysian Merchant Bank Berhad v Silver Concept Sdn Bhd [2005] 5 MLJ 210

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Bank Islam Malaysia Bhd v Shamsuddin Bin Haji Ahmad [1999] 1 LNS 275; [1999] MLJ 450

Bank Islam Malaysia Berhad v Adnan Omar [1994] 3 CLJ 735; [1994]3 AMR 44; [1994] 4 BLJ 372:

Bank Islam Malaysia Berhad v Pasaraya Peladang Sdn Berhad [2004] 7 MLJ 355

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Bank of Credit and Commerce International SA (No 10) [1995] 1 BCLC 362
Barings Futures (Singapore) Pte Ltd (in liq) v Mattar and others (No 1) [2002] 2 BCLC 364
Barings plc (in liquidation) v Coopers & Lybrand and others [2000] 3 All ER 910
Islamic Investment Company of the Gulf (Bahamas) Ltd v Symphony Gems N.V. & Ors [2002] All ER (D) 171 (Feb)
Re Equitable Life Assurance Society [2002] 2 BCLC 510
Shamil Bank of Bahrain v Beximco Pharmaceuticals Ltd [2004] 1 Lloyd's Rep 1; [2004] EWCA Civ 19, [2004] 1 W.L.R. 1784, [2004] 4 All E.R. 1072, [2004] 2 All E.R. (Comm) 312, [2004] 1 C.L.C. 216, (2004) 101(8) L.S.G. 29 and 2004 WL 62027
The Investment Dar Company KSCC v Blom Developments Bank Sal (2009) EWHC 3545 (Ch)

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Petroleum Development (Trucial Coasts) Ltd v Sheikh of Abu Dhabi [1951] 18 ILR 144 Ruler of Qatar v International Marine Oil Company Limited [1953] 20 ILR 534 Saudi Arabia v Arabian American Oil Company [1958] 27 ILR 117

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Lahsasna, A. (2013). Shari'ah Issues and Resolutions in Contemporary Islamic Banking and Finance. Kuala Lumpur: IBFIM Mohd Ma'sum Billah. (2007). Applied Islamic and Modern Insurance. Sweet and Maxwell.

Tariqullah Khan, Mohammad Umar Chapra. (2000). Regulations and Supervision of Islamic Banks. Jeddah: IRTI.

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Official Stamp	Official Stamp	Official Stamp
Name :	Name :	Name :
Position:	Position:	Position:
Date :	Date :	Date :

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