

RECOVERY & DISPUTE RESOLUTION FOR ISLAMIC FINANCE FACILITIES



6th - 7th December 2017, Intercontinental, KUALA LUMPUR
SIDC CPE - accredited: 10 CPE Points

The Islamic finance industry faces the same fundamental challenges and risks as that of conventional finance, including whether or not clients can fulfill their repayment obligations and when. However, recovery under Islamic finance principles is a significantly more sensitive undertaking and Islamic banks have to be very careful about how they approach the recovery process. Given the lack of precedent in such cases, effective documentation and a clear understanding of Shariah principles and other regulations is essential.

This intensive two-day program will provide delegates with a clear understanding of the key regulatory and Shariah issues surrounding the recovery of Islamic facilities as well as crucial legal, procedural and documentation issues to consider when defaults or problems occur. Real-life case studies will be used to examine important precedents and to develop delegates' understandings of the application of these principles.

KEY LEARNING OUTCOMES

- Understand Key Guidelines and Regulations Governing Recovery for Islamic Financing
- Gain Insight on Shariah perspectives and Issues Affecting the Recovery and Resolution Process
- Examine Legal Procedures and Issues in Default and Recovery – Where do Problems Happen?
- Understand Legal Considerations in Drafting Effective Documentation
- Assessing options for Dispute Resolution in the case of Islamic Financial Products

AGENDA

Day One: 9.00am – 5.00pm

Objectives of Shariah - a Concise Review

This essential session provides a refresher of key Islamic finance and Shariah principles and how they dovetail with commerce, banking and finance.

- Classification of Shariah and its key and vital components
- Objectives of Shariah with regard to transactions and commerce
- Shariah from the commercial & banking perspectives – what you need to know

Application & Product Features of Shariah Contracts

In this session we shall examine key product structures and how they fit into the Islamic finance system. At the same time we shall be considering where crucial risks and potential problem areas may lie.

- Bai' Bithaman Ajil and Bai' Inah
- Murabahah
- Wakalah
- Bai' Al-Dayn
- Kafalah
- Murabahah Tawarruq
- Al Ijarah Thumma Al Bai (AITAB)

Modus Operandi via Case Study Analysis

Documentation for Business Financing Products

This session will analyze documentation issues with regard to specific business financing structures. Again, we shall be looking for potential flashpoints and where problems may occur in the case of default.

- Bai' Bithaman Ajil and Bai' Inah
- Murabahah
- Murabahah Tawarruq
- Al Ijarah Thumma Al Bai (AITAB)

Legal Documentation for Islamic Financing Facilities

This session will help delegates understand the legal framework governing Islamic banking, as well as the key differences between how an Islamic bank may act as compared to an Islamic bank.

- Differences between Islamic & conventional banking
- Issues & challenges faced by Islamic financial institutions

- Legal framework governing Islamic banks – what Islamic finance institutions can and cannot do
- How significant is this?

Day Two: 9.00am – 5.00pm

Types of Legal Documentation

What are the key documents that bankers need to be familiar with? Effective structuring and legal drafting early on can avoid significant problems in the case of default.

- Letter of offer/supplementary LO
- Primary & secondary documents
- Uses and structure of guarantees
- Charge documents
- Others (RD, option to purchase, undertaking and others)
- Sharing of security with conventional loans – how can this be done?
- Early settlement/lbra' issues

Common Mistakes & Issues in Legal Documentation

Rescheduling & Restructuring of Islamic Financing

Debt Recovery Procedures

Understand the tools and courses of action available to an Islamic bank and how the case of default under Islamic finance differs significantly to conventional finance. What can an Islamic bank do and what steps can practically be taken from a legal perspective?

- Objectives of recovery
- Recovery techniques & strategies – what courses of action are realistically available to an Islamic bank
- Foreclosure proceedings – know the process and avoid the pitfalls
- The situation with civil proceedings
- Statement of claim

Arbitration Rules and Dispute Resolution Options for Islamic Financial Products

(4.00pm-5.00pm, Guest Presentation – 60 minutes)

Course Conclusion

Benefits of Attending

- Understand the key guidelines and regulations on the recovery process for Islamic financing
- Gain insight into important Shariah perspectives and issues affecting the recovery and resolution process
- Learn the legal procedures and issues in default and recovery – where can problems occur?
- Understand the legal considerations in drafting documentation and its associated issues
- Assessing options for dispute resolution in the case of Islamic financial products

Who Should Attend

This course is relevant to personnel in the relevant functions of:

- Retail, commercial and SME Islamic banking
- Credit administration & credit recovery
- Credit control & collections
- Accounts receivable
- Operations
- Compliance
- General counsel

SPEAKER



Mohd Johan Lee
Managing Partner
J. Lee & Associates

Johan is the managing partner of J. Lee & Associates, a legal firm in Malaysia. He graduated with LLB (Hons) degree from International Islamic University Malaysia. 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 of the Malaysian Bar. He is an advocate and solicitor of the High Court of Malaya. Proficient in English, Malay language, Mandarin, he is also the first Chinese origin Shariah practitioner ever admitted by the Shariah court. His current practice includes corporate and commercial law, competition law, compliance and Islamic corporate finance related matters. He is instrumental in developing Islamic banking, Takaful and Islamic corporate finance documents and exercises for several financial institutions as well as corporate and governmental entities in Malaysia. Johan lectured in the law faculty of International Islamic University Malaysia since 1999 for both undergraduate and postgraduate law programmes. He has taught for a special exclusive diploma programme in Islamic Banking, jointly offered by IIUM and the Bar Council. He also lectures occasionally in various other local universities, Bank Negara Malaysia (BNM), as well as Institute Latihan Kehakiman (ILKAP) and Jabatan Kehakiman Syariah Malaysia (JKSM) for both civil courts and Shariah courts judges concerning 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 governmental agencies as well as government-funded banks. He is the author of the book 'Legal Documentation for Islamic Banking' published by the IBFIM, and co-author of an upcoming book 'Islamic Financial Services Act 2013: Commentaries' to be published and launched by the Current Law Journal. Johan is now a member of the Shariah Advisory Council (SAC) of the Association of Islamic Banks Malaysia (AIBIM) and is a consultant to new law practices in Malaysia, Brunei, Singapore, Indonesia and the UK.

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Associate Partner:

RM 15,000

- Logo on all promotional activities
- 5 invitations for your colleagues and clients
- 25% discount on any additional delegate places
- Full coverage on the Seminar website including biography and hyperlinked logo
- Branding throughout the Seminar: Seminar Guide Cover, Buntings
- Table-top space in the breakout area during the Seminar
- Guaranteed prime session participation
- One exclusive seat-drop during the Seminar
- Full delegate list within one week post Seminar
- Post-Seminar questionnaire results
- Sky banner advertisement to run for one week on the Islamic Finance *news* daily Alerts

Partner:

RM 10,000

- Logo on all promotional activities
- 2 invitations for your colleagues and clients
- Coverage on the Seminar website including biography and hyperlinked logo
- Guaranteed session participation
- Branding throughout the Seminar: Seminar Guide Cover, Buntings
- Table-top space in the breakout area during the Seminar
- Delegate list within one week post Seminar
- Post-Seminar questionnaire results
- Sky banner advertisement to run for one week on the Islamic Finance *news* daily Alerts

The sponsor / Delegate will arrange for the payment in one installation of RM_____ exclusive of all taxes to REDmoney, within 14 days of invoice or before the event taking place (whichever is sooner).

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BOOKING DETAILS

I am booking:	Price per Delegate	Total Price	Early Bird (10% Discount)
<input type="checkbox"/> 1 delegate	RM 3,000	RM 3,000	RM 2,700
<input type="checkbox"/> 2 delegates (5% Discount)	RM 2,850	RM 5,700	RM 5,130
<input type="checkbox"/> 3 delegates (15% Discount)	RM 2,550	RM 7,650	RM 6,885
<input type="checkbox"/> 4 delegates (25% Discount)	RM 2,400	RM 9,600	RM 8,640
<input type="checkbox"/> 5 delegates (35% Discount)	RM 1,950	RM 9,750	RM 8,775

* Please **note prices do not include GST**. A booking fee of RM125 will be added per invoice.

* Further attractive packages are available for groups of more than five. Please contact us directly.

Online training option: I would like to also enrol for the online course, **Shariah Risk & Governance Framework for Islamic Financial Institutions** for the special price of RM200 per user. Please tick here

Available Discounts

Early Bird: Registrations received on or before 6th November 2017, will receive a 10% discount. No discount shall be given to registrations received after this cut-off date.

Discount for Active Subscribers of Islamic Finance news: If you are a current IFN subscriber, you shall receive a flat 10% discount. Please tick here

Loyalty Program: 25% discount on other seminars attended within a 6-month period and non-transferrable. Please tick here

DELEGATE DETAILS

Name	Job Title	Email address	Telephone
1 _____ / _____ / _____ / _____			
2 _____ / _____ / _____ / _____			
3 _____ / _____ / _____ / _____			
4 _____ / _____ / _____ / _____			
5 _____ / _____ / _____ / _____			

WHO TO INVOICE AND CONTACT?

Please tell us who we should invoice. It is also helpful for us to have the name of an administrator with whom we can liaise directly.

Contact person for invoicing: _____ Job Title: _____
Email: _____ Tel: _____ Fax: _____
Contact person to send administration details: _____
Job Title: _____ Email: _____ Tel: _____

Payment can be made by cheque or bank transfer. A notification will be sent to you once payment has been received.

I wish to pay by: Cheque/bankers draft Telegraphic transfer Credit Card

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To process your registration we require the name and signature of a manager who is authorized by your organization to approve training expenditure.

Name: _____ Job Title: _____
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Authorizing signature _____ (mandatory)

Yes, I have read and understood the booking and cancellation policy below.

SEND US YOUR REGISTRATION!

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You may also book online at <http://www.REDmoneyevents.com>

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Our address is: REDmoney, Suite 22-06, 22nd Floor, Menara Tan & Tan, 207, Jalan Tun Razak, 50400 Kuala Lumpur

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By completing, signing and sending us this registration form you are confirming delegate places on the seminar. You are also confirming your understanding of our Booking, Payment and Cancellation Policy.

Cancellation: If delegates cannot attend the seminar replacement participants are always welcome. Otherwise delegates must request in writing (letter, fax or email) to cancel registration/s or transfer to a different seminar at least 21 days before the seminar start date to be eligible for a refund, less a 5% administration fee. Delegates who cancel within 21 days of the seminar start date, or who do not attend, are liable to pay the full seminar fee and no refunds will be given. Instead fees will be converted to a IFN Seminars voucher equivalent to the original fee, less a 15% administration charge. This voucher is transferable within your organization and must be redeemed within one year of issue or become void. If a seminar is postponed for whatever reason delegate bookings will be automatically transferred to the new seminar date. Delegates who wish to transfer to a different seminar will be subject to the same terms as above and charged the difference in seminar fees. No refunds or seminar vouchers will be issued for a no-show.

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Seminar Venue: Full details of the venue will be sent to you upon registration.

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