GOVERNANCE OF CORPORATIONS AND BUSINESS ASSOCIATIONS - ISSUES AND RECENT DEVELOPMENTS

GEN EDITOR

AIMAN NARIMAN MOHD SULAIMAN

IIUM Press
Published by:

IIUM Press
International Islamic University Malaysia

First Edition 2011
©IIUM Press, IIUM

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without any prior written permission of the publisher.

Perpustakaan Negara Malaysia

Cataloguing-in-Publication Data

Governance of Corporations and Business Associations - Issues and Recent Developments edited by Prof. Dr. Aiman Nariman Mohd Sulaiman.


Member of Majlis Penerbitan Ilmiah Malaysian – MAPIM (Malaysian Scholarly Publishing Council)

Printed by

IIUM PRINTING SDN. BHD.
No. 1, Jalan Industri Batu Caves 1/3
Taman Perindustrian Batu Caves
Batu Caves Centre Point
68100 Batu Caves
Selangor Darul Ehsan
CONTENTS

Foreword .................................................................................................................. i
Biodata of Contributors ....................................................................................... iii
Contents .................................................................................................................. vii
Table of Cases ...................................................................................................... ix
Table of Statutes ................................................................................................... xi

PART A

ISLAMIC PERSPECTIVES: REGULATORY FRAMEWORK AND WEALTH MANAGEMENT

CHAPTER 1 .............................................................................................................. 1
Liabilities of Partners: The Malaysian Law and the Islamic Law Perspectives
Engku Rabiah Adawiah Engku Ali and Zuhairah Ariff Abd Ghadas

CHAPTER 2 ............................................................................................................ 17
Legal Infrastructure of Islamic Capital Market in Malaysia
Rusni Hassan

CHAPTER 3 ............................................................................................................ 37
Wealth Purification and Disposition: A Special Reference to the Creation of Waqf on Land
Akmal Hidayah Halim

CHAPTER 4 ............................................................................................................ 57
Islamic Perspective on Corporate Governance: Identifying Theories and Challenges
Abdul Hamid Oba Yusof
PART B

GOVERNANCE: THEORIES AND APPLICATION

CHAPTER 5 ................................................................. 95
Recent Developments on Directors’ Remuneration-
Lessons for Malaysia
Aiman Nariman Mohd Sulaiman

CHAPTER 6 ................................................................. 119
Board Structure and Composition for Banking
Institutions- An Indonesian Perspective
Indira Retno Aryanti and
Aiman Nariman Mohd Sulaiman

CHAPTER 7 ................................................................. 141
Takeovers and Mergers: The New Landscape for Malaysia
Musheera A Khan

CHAPTER 8 ................................................................. 153
Financial Reporting Failures, Listing Requirements and
Duty of Care
Aiman Nariman Mohd Sulaiman

CHAPTER 9 ................................................................. 165
Corporate Social Responsibility: Government-Linked
Corporations and Government Led Initiatives in Malaysia
Halyani Hassan

CHAPTER 10 ............................................................... 181
Limited Liability Partnership in Malaysia with Special
Reference to the Labuan Limited Partnership and
Labuan Limited Liability Partnership Act 2010
Zuhairah Ariff Abd Ghadas.
CHAPTER THREE

WEALTH PURIFICATION AND DISPOSITION: A SPECIAL REFERENCE TO THE CREATION OF WAQF ON LAND

Akmal Hidayah Halim *

INTRODUCTION

All wealth belongs to Allah and that men, as His trustees or vicegerents are to manage and utilise their wealth in a manner which pleases Hlim. Wealth purification involves the giving of charity that includes the creation of waqf which is designed to purify one's soul by sharing one's property with others. Disposing wealth by waqf and all in its categories such as tabarru' or sadaqah is truly for the purpose of getting rewards from Allah. Waqf endowment saves the soul from the worries, fear and covetousness surrounding money and it makes it used to generous spending.¹

This chapter will discuss on waqf as a means for wealth purification and distribution with special reference to the creation

* Assistant Professor, Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia.