CONTENTS

Preface i
Table of Cases iii
Table of Legislation v

CHAPTER 1
INTRODUCTION 1
1.1 Historical Background and Development of Islamic Finance 1
1.2 History 8
1.3 Benefits 11
1.4 Overview 20

CHAPTER 2
THE PHILOSOPHICAL ASPECTS OF ISLAMIC FINANCE 23
2.1 Salient Features and Sources of Islamic Finance 23
2.2 Secondary Sources 30
2.3 General Theory of Contracts in Islamic Law 35
2.4 Prohibition of Ribā, Gharar and Maisir 36
2.5 Scholarly Views on Gharar 54
2.6 Modern Interpretations of Gharar 57
2.7 Classification of Gharar 58

CHAPTER 3
THE LEGAL AND REGULATORY FRAMEWORK 63
3.1 Legal Framework for Islamic Finance 63
3.2 Types of Legal Framework of Islamic Finance 77

3.3 Regulation and Standardisation 89
3.4 Legal and Regulatory Framework of Islamic Finance in Malaysia as a Model 91
3.5 Islamic Banking Act 1983 and Banking and Financial Institutions Act 1989 92
3.6 Financial Services Act 2013 and Islamic Financial Services Act 2013 93
3.7 Central Bank of Malaysia Act 2009 95
3.8 Legal Issues in Islamic Finance 95

CHAPTER 4
THE DEVELOPMENT OF ISLAMIC FINANCE IN SOUTHEAST ASIA 99
4.1 Malaysia 99
4.2 Indonesia 102
4.3 Brunei 112
4.4 Singapore 117
4.5 Hong Kong 127
4.6 Thailand 150
4.7 Philippines 160

CHAPTER 5
SHARIAH CONTRACTS IN ISLAMIC FINANCE 169
5.1 Introduction 169
5.2 Formation of Contract 172
5.3 Requirements 172
5.4 Islamic Contract Law 173
thank my reliable assistant, Mustaqim Murshidi for always being there.
Finally I would like to record my heartfelt gratitude to Ahmad Ibrahim
Kulliyyah of Laws of the International Islamic University Malaysia
and the Department of Professional Legal Education of the University
of Hong Kong for their support and encouragement.

Dr. Mohd Yazid bin Zul Kepli
February 2015