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Phase II include: – Fund segregation in takaful (separate accounting for operators and participants

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Implications - Does not own
the assets of the takaful
risk pool, nor does it own
the assets of the
Participant Funds (in a

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family takaful set up) -
Cannot change the wakala
fee, mudharabah and surplus
sharing percentages for long
term (more than one year)
contracts.

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The contemporary issues in Takaful are due to the combined nature of profit-motivation and religious motive. The issues

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highlighted in this paper
will be the interest of all
the related parties,...

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System

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The presence of Takaful

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Industry in Malaysia is a distinctive development. It is a fact that the Takaful Industry survives in a dual legal framework where the legal frameworks for both Takaful and Insurance interlock each other. This

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Regulatory issues in Takaful
10. The differences between
Takaful and conventional
insurance clearly have
regulatory implications. For
example: • A Takaful

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operator has an obligation to ensure that all aspects of the insurance operations are compliant with Shari'a rules and principles.

Issues in Regulation and Supervision of Takaful

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Where that is not feasible, special consideration should be given to the regulation of Takaful business. Some of the implications highlighted by IFSB are as follows: A Takaful Operator must provide assurance of

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Shari'ah compliance in all
its operations.

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Hence, the study aims to
address the current legal
and Shariah issues

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pertaining to its structure and practical operations. Eventually, the study seeks to suggest possible recommendations for the future growth of Takaful industry in Malaysia in particular and all over the

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**Legal and Shariah Issues in
the Application of Wakalah**

•••

There is thus a tremendous
scope for Takaful to develop
supported by the 1.5 billion

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worldwide Muslim population and with the growth of the ethical and the social responsible movements in the West, Takaful also has the potential to attract the interest and address the needs of non-Muslim

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ethically minded consumers
in the major conventional
markets.

Takaful Executive Training Programme - ICG EVENTS

4.3 Corporate Governance
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Industry. 4.4 Corporate
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Remarks. 5 Legal Issues in
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Takaful models as Shari'ah
Scholars belonging to
different schools of
thoughts have different
point of views on Shari'ah
matters. Shari'ah issues are
concerned with the
independence,

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confidentiality, competence,
consistency and disclosure
of responsibilities that
affect functioning of SSB in
the organizations.

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