

# FAKIHAH AZAHARI

## **EDUCATIONAL QUALIFICATION**

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LLB(Hons) [Law] International Islamic University Malaysia, Kuala Lumpur ("IIUM"), 1991.

Certificate in WTO, International Trade and Development, Graduate Institute Geneva, Switzerland, 2014.

Diploma in Islamic Banking & Finance Arbitration, Chartered Institute Arbitrator, UK, 13<sup>th</sup> December 2016.

## **PROFESSIONAL QUALIFICATION**

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Advocate & Solicitor of the High Court of Malaya, 1992.

Shariah Counsel of the Selangor Shariah High Court, 1992.

Certificate of Mediation, The Accord Group, Australia, 2012

Advance Course on Negotiation, The Accord Group, Australia, 2012.

Accredited Mediator, Chartered Institute of Arbitrators UK 2013.

Accredited Member, Chartered Institute of Arbitrators UK 2012.

Accredited tutor/ lecturer and trainer, Chartered Institute Arbitrator, UK.

Certified translator for English-Malay legal text, Institut Terjemahan & Buku Malaysia (Malaysian Institute for Translation & Book).

## EXPERIENCE

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2006 – present MUAMALAT INVEST SDN BHD  
**Director**

1994 – present Nik Hisham, Fakhah & Co  
**Advocate & Solicitor**

## EXTERNAL APPOINTMENTS

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- **Investment Committee** for Muamalat Invest Sdn Bhd, (licensed fund management) subsidiary of BANK MUAMALAT MALAYSIA BERHAD
- **EPP (Entry Project Point) leader** for Islamic Finance outsourcing under Business Services lab, a project under National Key Economic Area initiatives, Prime Minister's Department under Dato Idris Jala, 2011.
- **Banking Committee** of the International Chambers of Commerce, Malaysian chapter, an international organization that review and adopt laws on international banking standards such as UCP 600 and URDG.
- **Ar Rahnū Committee** for Koperasi Permodalan Felda, investment arm of FELDA GROUP, a government investment link company.
- **Law Harmonisation Committee**, under the purview of Bank Negara Malaysia, to review provisions on National Land Code relating to Islamic banking practices.
- **Committee member**, Chartered Institute Arbitrator, Malaysia branch, 2014-2015.

## TRAINING

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May 2013 Chartered Institute Arbitrators UK,  
European branch, Geneva, Switzerland

**Training for Trainer in International Commercial Arbitration,**

June 2013 International Chambers Commerce, Paris,  
France

**Advance Training in International Commercial Arbitration**

January 2014 Malaysian Institute Arbitrators,  
**Membership Upgrade Course,**

March 2014 International Chambers of Commerce,  
Dubai

**Advance Training in Drafting Enforceable Awards**

March 2014 International Chambers of Commerce,  
Dubai,

**Arbitrating Oil And Gas Dispute**

March 2014 Chartered Institute Arbitrators, Malaysian  
branch,

**Advocacy in International Arbitration**

October 2015 Institut Terjemahan & Buku Malaysia,

**Kursus Penterjemahan Intensif**

#### CERTIFICATE

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**Shariah Advisor programme**, Securities Commission  
Malaysia.

#### AREA OF SPECIALISED PRACTICE

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- 1) Banking and Finance
- 2) Islamic Finance and Banking
- 3) Corporate finance, transaction and matters
- 4) Corporate litigation
- 5) Research and development

#### LIST OF PUBLICATIONS

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**"Compensation in Islamic Banking"** – *Islamic Finance  
News (2006)*

**"Penalty Charges in Islamic Banking"** – *Islamic Finance  
News (2006)*

**"Contract of Ijarah- its applicability within the  
Malaysian Hire Purchase Act 1967"**- *Islamic Finance  
News (2006)*

**"MRTA Packaged Financing- Is it Shariah complaint"** –  
*Islamic Finance News (2006)*

**“Rehabilitative Measures For Islamic Financing”** -  
*Islamic Finance News* (2008)

**“Islamic Banking: Perspectives On Recent Case Development”**- *The Malayan Law Journal*, 1<sup>st</sup> Volume, 2009.

**“Pioneering Efforts In Islamic Banking”**- *Islamic Finance News Asia*, December 2009.

**“Grey Areas of Halal: Transformation And Assimilation”**- *Global Arab Network*, 28<sup>th</sup> December 2009.

**“Grey Areas of Halal: Alcohol”**- *Halal Focus*, 12<sup>th</sup> January, 2010.

**“More Accountability In Sukuk Issues”**, *The Edge*, 1<sup>st</sup> February 2010.

**“Issue on Syariah Caning”** *News Strait Times*, 21<sup>st</sup> February 2010.

**“Islamic Finance: Shariah Principles of Transformation And Assimilation”**- *The Malayan Law Journal*, 1<sup>st</sup> Volume, 2010.

**“Snake Venom and Halal Cosmetics Consumers”**- *Halal Focus*, 25<sup>th</sup> June, 2010.

**“Paradigm Shift in Islamic Banking”**- *The Edge*, 25<sup>th</sup> June 2010.

**“Perdagangan Mata Wang (Forex) Kedudukannya dalam Undang Undang dan Kesannya Ke atas Ekonomi” [FOREX: Legal and Economic Implication]**, Muzakarah Ahli Ahli Majlis Penasihat Syariah Institusi Kewangan Di Malaysia Kali ke 7”, 31 Mei 2011. [at the Shariah Advisor of Financial Institutions Meeting]

**“Perbankan Islam: Cabaran dan Masa Depan”, [Islamic Banking: Challenges and Future]** *Universiti Al Azhar, Mesir*, 10<sup>th</sup> November 2012 and *University Al Bayt Jordan*, 18<sup>th</sup> November 2012.

**“Paper Review: Litigation As A Dispute Resolution Mechanism In Islamic Finance: Malaysian Experience”** *for European Law Journal*, 2012.

**“Shariah Audit in Legal Process: Future Growth In Specialised Areas”**, *World Islamic Banking, Finance And Investment Conference” Kuala Lumpur*, 17-18<sup>th</sup> December 2012.

**“Shariah Audit in Legal Process: Future Growth In Specialised Skills”** [revised version], MFA INCEIF Conference, Kuala Lumpur, 4<sup>th</sup> June 2013.

**“Sharing of Places of Worship”**, *New Straits Times*, 20<sup>th</sup> August 2013.

**“Unity of Ummah: Respect Fatwa on the use of Allah”**, *New Straits Times*, 9<sup>th</sup> September 2013.

**“Understanding Prohibition of Riba”**, *NST* 16<sup>th</sup> November, 2013.

**“Contemporary Definition of Riba”**, *NST*, 23<sup>rd</sup> November 2013.

**“Recognising the Wolf in Sheep Clothing”**, *NST*, 30<sup>th</sup> November 2013.

**“Financing vital to facilitate trade”**, *NST*, 14<sup>th</sup> December 2013.

**“Exploitation in Trade and Lending”**, *NST*, 21<sup>st</sup> December 2013.

**“The Islamic Economic Model”**, *NST*, 28<sup>th</sup> December, 2013.

**“Shariah Audit In A Legal Process: Future Growth In Specialised Skills”**, *The Malayan Law Journal*, 6<sup>th</sup> Volume, [2013].

**“Interest Towards Europe As Centre of Islamic Finance”**, 7<sup>th</sup> Edition, *Islamic Banker*, July 2014,

**“Islamic Securities: Mixing of Funds”**, 7<sup>th</sup> Edition, *Islamic Banker*, July 2014.

Other publications please refer to [nfcfakihah.wordpress.com](http://nfcfakihah.wordpress.com).

#### PAPERS PRESENTED AT MAJOR CONFERENCE

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**“Menggagas Ekonomi Syariah Yang Mantap Dengan Pembentukan Peraturan Perundang-Undangan Yang Baik”**- Seminar Nasional Hukum Ekonomi Syariah, Fakultas Hukum, Universitas Indonesia, 2003.

**Speaker** for International Chamber of Commerce (ICC) Singapore on **“Islamic Finance and UCP 600”** on 24<sup>th</sup> April 2007.

**Speaker** for Singapore Polytechnic on **“Growth Sectors in Islamic Finance”** at the launch of the Training & Research Centre for Islamic Finance under Singapore Polytechnic in 2007.

**"Halal Trade and Its Link to Islamic Finance"**- Halal Conference at the Food Hotel Asia Exhibition- Singapore (2006)

**"The Halal Value Chain and Its Link to Islamic Finance"**- Seminar Asia Business Forum (2006)

**"Application of UCP 600 in Islamic Finance Trade"**, International Chambers of Commerce, Singapore, 2007.

**"The Rationale for Documentation-Historical and Philosophical Perspective"**

-Seminar Asia Business Forum (2007)

**"Science and Jurisprudence: The Grey Areas of Halal"** – Halal Conference at the Food Hotel Asia Singapore (2008).

**"Women in Business- The Halal Industry"**- Malaysia Arab Business Forum, Kuala Lumpur 2009.

**"Contemporary Issues in Islamic Financing"**- International Islamic University Malaysia, April 2010.

**"Seminar on Islamic Trade Finance"**- International Chambers Commerce Bandung, Indonesia, 25-26<sup>th</sup> June 2010.

**"Perdagangan Mata Wang (Forex) Kedudukannya dalam Undang Undang dan Kesannya Ke atas Ekonomi"**, Muzakarah Ahli Ahli Majlis Penasihat Syariah Institusi Kewangan Di Malaysia Kali ke 7", 31 Mei 2011.

**"Current Trends In litigating Islamic Banking Disputes"**, Institute Latihan Kehakiman dan Perundangan (ILKAP), 29<sup>th</sup> November 2011.

**"Perbankan Islam: Cabaran dan Masa Depan"**, Universiti Al Azhar, Mesir, 10<sup>th</sup> November 2012 and University Al Bayt Jordan, 18<sup>th</sup> November 2012.

**"Shariah Audit in Legal Process: Future Growth In Specialised Areas"**, *World Islamic Banking, Finance And Investment Conference* Kuala Lumpur, 17-18<sup>th</sup> December 2012.

**“Shariah Audit in Legal Process: Future Growth In Specialised Areas”**, *Malaysian Finance Association and INCEIF Conference*, 2-4<sup>th</sup> June 2013.

**“Current trends in Halal Industry”**, International Institute of Advanced Islamic Studies (IAIS) Malaysia, 22<sup>nd</sup> November, 2013.

**“Uqud al-Ishtirak (Contracts of Partnership) Mudharabah & Musharakah and their purposes and Maqasid”**, *International Conference On Shari’ah Objectives in Muamalat And Contracts*, International Institute of Advanced Islamic Studies (IAIS) Malaysia, 28<sup>th</sup>-29<sup>th</sup> January 2014.

**“Shariah Compliance Framework: Emerging Trends”**, The Future of Global Takaful Conference, Fleming Gulf, Kuala Lumpur, 18<sup>th</sup>-19<sup>th</sup> February, 2014.

**“Alternative Dispute Resolution With Mediation”**, M. Hashim Law Centre, International Islamic University, 20<sup>th</sup> May 2014.

**“Shariah Audit In Legal Process: Future Growth in Specialised Skills”**, 5<sup>th</sup> Asia Islamic Banking Conference, Fleming Gulf Conference, 12<sup>th</sup> August 2014.

**“Shariah Audit in Legal Process for the Islamic Finance Industry”**, INCEIF, 18<sup>th</sup> September 2015.

**“Mencipta Keraguan (Creating Doubt)”**, Kursus Pemantapan Pegawai Sulh Jabatan Kehakiman Syariah Selangor (Mediation Course for Officers of the Selangor Syariah Court Judiciary”, 24/11-27/11/2014.

**“Mencipta Keraguan (Creating Doubt)”**, Kursus Mediasi Jabatan Mufti Selangor, (Mediation Course for Selangor Mufti Department), 31/10-2/11/2014.

**“Certificate in Islamic Banking and Finance for Standard Chartered Bank Berhad”**, The Law Centre, International Islamic University, 13<sup>th</sup> October-14<sup>th</sup> November 2014.

**“Islamic Banking Training Seminar”**, The Law Centre, International Islamic University, 18<sup>th</sup> December 2014.

**“Legal Perspectives in Takaful: Maqasid Shariah in Force Majeure, Hibah and Wassiyah”**, 2<sup>nd</sup> Annual Future Global Conference, Fleming Gulf Conference, 28-29<sup>th</sup> January 2015.

**“Professional Islamic Contract Drafting Training”**, *International Shari’ah Research Academy (ISRA)*, 19 & 20<sup>th</sup> May 2015.

**“Certified Qualification In Islamic Finance (CQIF) Review Session”**, External Reviewer for IBFIM, 26<sup>th</sup> August 2015.

**“Regulatory Framework for Islamic Finance”**, Islamic Banking & Finance Institute Malaysia (IBFIM) 6<sup>th</sup> October 2015.

**“Uqud Al-Ishtirak (Contracts of Partnership), Mudharabah & Musharakah, Their Purposes And Maqasid”**, Ibn Zuhr University, Agadir, Morocco, 11-12<sup>th</sup> December 2015.

**“Usury: Recognising Wolf In Sheep Clothing”**, World Business Institute, 21-22<sup>nd</sup> February, 2016, Kuala Lumpur.

**“Commercialisation of Patents vide Islamic Venture Capital”**, Ibn Zuhr University, Agadir, Morocco, 1<sup>st</sup> and 2<sup>nd</sup> December 2016.

**“Dispute Resolution in Islamic Finance: Banking Sector and Consumer’s Perspective”**, Kuala Lumpur Regional Centre for Arbitration, 5<sup>th</sup> September 2017.

**“Sustainable Development vide Exploitation of Intellectual Property Rights”**, Ibn Zuhr University, Agadir, Morocco, 4<sup>th</sup> & 5<sup>th</sup> December 2017.

**“Financing SMEs Through Islamic Capital Market”**, 10<sup>th</sup> International Forum On Islamic Capital Markets”, Tehran, 15<sup>th</sup>-17<sup>th</sup> April, 2018.

**“Inter Faith Mediation”** Certificate, The Academy, International Islamic University Malaysia, 2018.

**“Perspectives of Financial Inclusion Through Waqf Models: Case Study”**, Ibn Zuhr University, Agadir, Morocco, 4<sup>th</sup> & 5<sup>th</sup> December 2018.



CONTACT

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