

MENGURUS KETIDAKPATUHAN SYARIAH (SNC) DALAM INSTRUMEN KEWANGAN ISLAM

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MUZAKARAH PENASIHAT SYARIAH KEWANGAN ISLAM KLIFF 2024

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Definisi SNC: Seksyen 28 (IFSA 2013)

- (1) An institution shall at all times ensure that its aims and operations, business, affairs and activities are in compliance with Shariah.
 - (2) For the purposes of this Act, a compliance with any ruling of the Shariah Advisory Council in respect of any particular aim and operation, business, affair or activity shall be deemed to be a compliance with Shariah in respect of that aims and operations, business, affair or activity.
- Mafhumnya – jika tidak patuh pada Keputusan SAC (MPS) - SNC

“Indicator” SNC

Non-compliance with Shariah requirements that **invalidates** the main Shariah contract (cannot be rectified)

Recurring SNC arising from failure of Islamic financial institutions to remedy the cause of SNC

Blatant disregard of SAC ruling.

Non-compliance with Shariah requirements that result in **riba** practices

SNC resulting in **material actual loss** to an IFI

Menangani SNC & Implikasinya: Seksyen 28 IFSA 2013

(3) Where an institution becomes aware that it is carrying on any of its business, affair or activity in a manner which is not in compliance with Shariah or the advice of its Shariah committee or the advice or ruling of the Shariah Advisory Council, the institution shall—

- (a) immediately notify the Bank and its Shariah committee of the fact;
- (b) immediately cease from carrying on such business, affair or activity and from taking on any other similar business, affair or activity; and
- (c) within thirty days of becoming aware of such non compliance or such further period as may be specified by the Bank, submit to the Bank a plan on the rectification of the non-compliance.

(4) The Bank may carry out an assessment as it thinks necessary to determine whether the institution has rectified the non-compliance referred to in subsection (3).

(5) Any person who contravenes subsection (1) or (3) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding eight years or to a fine not exceeding twenty-five million ringgit or to both.

Panduan dalam menangani SNC

- Classification of SNC:
 1. SNC that annul the whole contract;
 2. SNC on conditions that make the condition void but the main contract remains valid)
- Rectification method for SNC
 1. SNC 1 – must redo the transaction and derecognise profit;
 2. SNC 2 – remove the condition and profit remain to be recognised

Manangani Pendapatan Tidak Patuh Syariah

Sources

- Pre-identified
- Income derived from SNC events

Disposal Policy

- Non-recognition of SNC income
- Placed under special account
- Supervised by related dept.

Recipients

- Return to the rightful owner
- Channel to charity

Approval authority

- Shariah Committees