

Abdullah Abdul Rahman

Partner

Dispute Resolution



Practice Focus

Abdullah's practice area is dispute resolution including in Islamic finance.

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Experience and Credentials

In dispute resolution he covers arbitration, administrative law, constitutional law, contractual dispute, banking recovery, fraud, insolvency, debt restructuring and shareholders' dispute. He is also familiar with the Labuan offshore jurisdiction.

Arbitration

- Appointed by the Asian International Arbitration Centre (AIAC) in 2021 as a member of the Islamic arbitration (i-arbitration) Rules Revision Committee. The committee consists of arbitration practitioners and Shariah scholars from Asia, Africa and Europe. The work of the committee culminated in the launch of the AIAC i-Arbitration Rules 2021 in December 2021.
- Authored an article which was peer reviewed and accepted for publication in Arbitration International, a journal published by Oxford University Press on behalf of the London Court of International Arbitration (LCIA) titled Islamic Finance Arbitration: Enforceability under the New York Convention 1958 of Arbitration Awards Made Following a Reference to the Shariah Advisory Council under the Central Bank of Malaysia Act 2009 .
- Acted as counsel in arbitration proceedings.
- Acted in applications in court for stay of arbitration proceedings.
- Acted in interim injunction applications in court in support of arbitration proceedings.

- **Administrative and Constitutional Law**

- Acting for 27 retired Judges of the Federal Court, Court of Appeal and/or High Court and 7 widows of deceased Judges or deceased retired Judges of the Federal Court, Court of Appeal and/or High Court in an action against the Government of Malaysia on a constitutional point.
- Acted as counsel for a former Chief Syariah Judge in a judicial review proceeding against, among others, a Majlis Agama Islam and the Government of Malaysia on an issue relating to termination from the office of the Chief Syariah Judge.
- Acting for three Members of Parliament and one State Assemblyman in judicial review proceedings challenging the constitutionality of several provisions of the Emergency (Essential Powers) Ordinance 2021 which had the effect of suspending the Parliament and the State Legislative Assemblies and barring these institutions from carrying out their constitutional functions particularly as a check and balance of the Executives while at the same time providing for the entrenchment of the Executives in their offices during the Emergency.
- Acted for the Opposition Leader of the Malacca State Legislative Assembly in challenging the dissolution of the Assembly in 2021 on constitutional grounds.
- Acted for an author in a judicial review proceeding challenging the banning of his books by the Home Minister on constitutional grounds.
- Acted for a political party in a judicial review proceeding challenging the refusal of the Home Minister to accept the change of name of the party on constitutional grounds.
- Acted for a concessionaire in a judicial review proceeding challenging the decision of a State Government in terminating the concession.

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Contract

- Acted in disputes involving government contracts such as the supply of machineries, sea reclamation, concession for supply and distribution of treated water and novation for the assumption of government's obligations to purchase treated water.
- Acted in disputes involving sub-contractors to government contracts such as the supply of equipment and supply of labourers.
- Acted in disputes involving real properties and company shares.

Franchise

- Acted for a licensor in a dispute as to whether the contract amounted to a franchise.

Fraud

- Acting in a suit involving a claim by the tax authority of a foreign country for alleged fraud in the applications for the refund of withholding tax pursuant to a double taxation agreement.

Insolvency and Debt and Corporate Restructuring

- Acted in a suit involving a claim based on Quistclose trust to avoid the distribution of the asset under the trust to the general body of creditors in liquidation.
- Acted for financially distressed companies in applying for restraining orders, creditors and/or shareholders meeting orders and court sanctions for restructuring.
- Acted for companies applying for capital reduction.

Negligence

- Acted in suits for banking negligence in clearing cheques.
- Acted in a suit for negligence involving the rupture of a liquid tanker (ship).

Shareholders Dispute

- Acted in minority shareholder's oppression petitions.
- Acted in litigation involving meetings of shareholders.
- Acted in a dispute involving former shareholders of a concession company.

Securities Industry

- Acted in litigation involving the securities industry including actions on share margin facilities, against defaulting customers of stockbroking houses and a senior employee of a stockbroking house.

Islamic banking & finance

- Acted in the recovery of high value outstanding financing facilities.
- Acted in disputes involving investment / joint venture agreements (mudharabah) entered into by government-linked entities.
- Advised on the legal and regulatory frameworks of a pioneering Islamic banking product.
- Advised on and drafted the standard Islamic share margin facility agreements for stockbroking houses.
- Drafted and advised on financing facilities based various Shariah concepts.

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Publications

Chapter in book:

- "Origin and Development of Islamic Banking and Finance" for the book Islamic Banking & Finance: Principles, Instruments & Operations, 2nd edition, published by The Malaysian Current Law Journal Sdn Bhd in 2016.

Articles:

- Islamic Finance Arbitration: Enforceability under the New York Convention 1958 of Arbitration Awards Made Following a Reference to the Shariah Advisory Council under the Central Bank of Malaysia Act 2009 – published in Arbitration International, a journal published by Oxford University Press on behalf of the London Court of International Arbitration (LCIA).
- The Business Judgment Rule under the Malaysian Companies Act 2016 – published in Praxis, the newsletter of the Malaysian Bar on 1 August 2019
- BBA legality challenge: Lessons from Low Chin Meng v CIMB Islamic – published in the Islamic Finance News (IFN) on 4 November 2015.
- Key Consideration in making Third Party Debt Order for an Islamic Banking Account: An Overview of the Positions in England and Malaysia – published in IFN on 3 June 2015 (joint author)
- Gold and silver ETF: Shariah advisers' liabilities under the recent Shariah pronouncement – published in IFN on 19 November 2014.
- Hibah: Recent Malaysian Shariah resolutions and its enforceability – published in IFN on 15 October 2014.
- Malaysian apex court disallowed pre-judgment interest – published in IFN on 3 September 2014.
- Shariah as the governing law of Islamic finance contracts in the UK: The impact of Rome I Regulation and the position in arbitration – published in IFN on 13 August 2014.
- Islamic Banking Models in Malaysia: An Overview – published in the Global Islamic Economic Magazine in Issue 15 (31 August 2013) Vol. 2013 (joint author).

Qualifications

Abdullah holds LL.B(Hons) from the International Islamic University Malaysia where he learnt both Malaysian law and Islamic law. He was admitted as an Advocate and Solicitor of the High Court of Malaya in 2001.

Abdullah holds the Chartered Islamic Finance Professional (CIFP) (equivalent to Master degree) from the International Centre for Education in Islamic Finance (INCEIF), an Islamic Finance university set-up by the Central Bank of Malaysia (BNM) and accredited by the Association to Advance Collegiate Schools of Business (AACSB International).