



Good Faith in Insurance and Takaful Contracts in Malaysia: A Comparative Perspective

Haemala Thanasegaran

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This book examines good faith in non-marine insurance and takaful (Islamic insurance) contracts in Malaysia, and proposes holistic law reform of the same. The first two-thirds of the book comprise an extensive comparative legal analysis of the issues between Malaysia, Australia and the United Kingdom, with the final third dedicated to a socio-economic analysis of law reform and suggestions for law reform particularly suited to Malaysia.

The book evaluates whether the duty of utmost good faith (the cornerstone of insurance and takaful contracts) is effectively regulated and, in turn, observed by insurers (and takaful operators) and insureds alike in Malaysia. The adequacy of the Insurance Act 1996 (Malaysia), the Takaful Act 1984 (Malaysia), the Financial Services Act 2013 (Malaysia) and the Islamic Financial Services Act 2013 (Malaysia) is evaluated, along with the supporting infrastructure and oversight measures introduced by the Malaysian government. In doing so, The book examines the duty of utmost good faith from both a doctrinal and a social science perspective, in order to propose suitable legal reform.

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