



CREATIONS de UiTM

INTERNATIONAL MEGA INNOVATION CARNIVAL 2024

Navigating Innovation and Seizing Global Fortune

CHANGE THE WORLD THROUGH INNOVATION

e-PROCEEDING

27th APRIL 2024

UNIVERSITI TEKNOLOGI MARA
CAWANGAN SELANGOR, KAMPUS DENGKIL
MALAYSIA

ORGANISED BY:



Pusat
Asasi

ISHRAT.EY: Women & Children's Preserved Rights Under Provisions of the Islamic Family Law (Federal Territories) ACT 1984 (ACT 303) PART V (Dissolution of Marriage) & PART VI (Maintenance of wife, children and others)

*Puteri Marissa Damia, Ahmad Danish, Nurul Amilin, Nurhidayah Fathiah, Karenina Alessandrine and Khairah Ismail

Centre of Foundation Studies, Universiti Teknologi MARA, Cawangan Selangor, Kampus Dengkil, 43800 Dengkil, Selangor, Malaysia

*Corresponding author: 2024959447@student.uitm.edu.my

ABSTRACT

Islam guarantees the rights and well-being of women and children comprehensively, which historically was unprecedented before Islam. However, contemporary socio-cultural norms often fail to adequately protect these rights. Alamgir (2014) emphasizes the importance of women understanding their rights and needs to combat societal discrimination. Similarly, Harlina Siraj (2015) underscores the significance of women being aware of gender equality and their societal roles. In predominantly Muslim Malaysia, safeguarding women's and children's rights is crucial yet often overlooked, leading to issues like domestic violence, child neglect, rising divorce rates, and emotional/physical abuse. This study aims to educate women and children about their legal rights, particularly under Sharia law, through ISHRAT.EY, a linktree innovation. ISHRAT.EY serves as an accessible platform providing legal information, empowering users to assert their rights effectively and efficiently. It facilitates quick access to essential legal knowledge, benefiting not only individuals seeking protection but also aiding law students in researching Islamic law. Using a qualitative approach with document analysis, this study examines primary sources such as the Islamic Family Law Act of 1984 (Act 303) and secondary sources like these, articles, journals, and books. The goal is to enhance awareness and understanding of Sharia-based rights among women and children. Ultimately, ISHRAT.EY aims to promote empowerment and proper protection for women and children within the framework of Sharia law, offering a straightforward solution to accessing legal information.

Keywords: Islamic family law; syariah law; women's rights; children's rights; legal awareness.

1. INTRODUCTION

Studying and understanding Syariah law is a fundamental obligation for all Muslims. The right of a mother to custody in Islam is crucial for the well-being of the child, as emphasized by Cholil (2017). However, traditional methods like books often fail to engage people effectively in learning about this subject. Tiwari (2021) highlights that Islamic Jurisprudence prioritizes mothers for child custody, recognizing their special bond and sacrifice for their children's upbringing. According to Section 81-87 of the Islamic Family Law Act (Wilayah-Wilayah Persekutuan) 1984, custody priority is given to the mother, followed by maternal grandparents, and then the father, with other factors also considered. Ishrat.ey, a linktree platform, aims to address issues such as limited access to Syariah law information, lack of immediate assistance

hotlines, and insufficient Syariah-compliant resources for women and children's rights (Orakzai, 2014). It provides a participatory learning approach to Syariah law, enhancing public awareness and understanding, particularly among women and children. Ishrat.ey serves not only as an educational tool but also advocates for the rights of women and children in Islam, focusing on post-divorce rights as embedded in Islamic Jurisprudence.

2. METHODOLOGY

Most people have heard that half of all marriages end in divorce, but is there more to the story. The development of this innovation is inspired by the recent spike of divorce rates due to factors such as the prevalence of social media, financial restraints like rising cost of living, toxic marriages that increases the push for divorce, negligence, abuse, mental health issues such as depression, baby blues, fear of abandonment and etc, and also noted that for Muslims, problems arising pertaining from polygamous marriages may have contributed to the rise in divorce cases in the countries statistics typically in the state of Selangor as it factors contributes to the high divorce rate among Muslims in the state. The disparity between income growth and the rising cost of living can have various negative implications on the psychology and social well-being of couples, leading to divorces. (Patoari, M. H., 2019). Due to busy schedules, quality time spent is reduced, eventually impacting family institutions and leading to divorce. Therefore, Ishrat.ey is a linktree designed to enhance users understanding of Syariah Law, offering additional features that differentiate it from similar products on the market. The linktree also offers helpline services from organisations such as Talian Kasih 15999 Hotline, Buddy Bear Child-line (For children of abused parents, child abandonment and more), Women Tribunal Malaysia, Women's Aid Organisation (WOA), and all Women Action and a legal Aid Service provided by partners of law firms set by the Ishrat.ey Team. Every consultation is subjected of a fee amount of RM 35 per session conducted. How does the Ishrat.ey linktree works, 1) Click the link/Scan the Ishrat.ey Qr code provided on our website or any social media platforms, 2) The link/Qr code will direct you to the provided linktree page, 3) You can now begin to explore the articles/helplines/Legal References/Q&A via Google Form provided in the Ishrat.ey linktree.

3. RESULT & DISCUSSION

Since the major goal of establishing ISHRAT.EY is to guarantee that users may improve their grasp of Syariah law, this linktree has been especially designed to meet this requirement as well as offer extra features that set it apart from other comparable products on the market. The inspiration for this linktree came from issues revolting concerning women and their children's general understanding of Syariah law. (Doi, A. R., 1992). The most common issues that women face in Syariah law are divorce, polygamy, child custody, domestic violence, mahr, and so on. As a result, our group discussed creating a linktree that would provide Syariah-compliance of information and assistance regarding women and children's rights. The reason we chose to spread Syariah law insights to women and their children is that having a linktree means users can always find us - anytime, anywhere. We can list all the information, display images of Syariah and Islamic law knowledge, and use contact forms to facilitate user inquiries or feedback (Parachute, n.d.). Hence, this product has attained an adequate objective in providing and act as a platform to ease the usage of users to access information and details pertaining the sole preserved rights of women and children that has been stated in the statutes of the Islamic Family Law (Federal Territories) ACT 1984 (ACT 303) in Part V and Part VI as legal references.

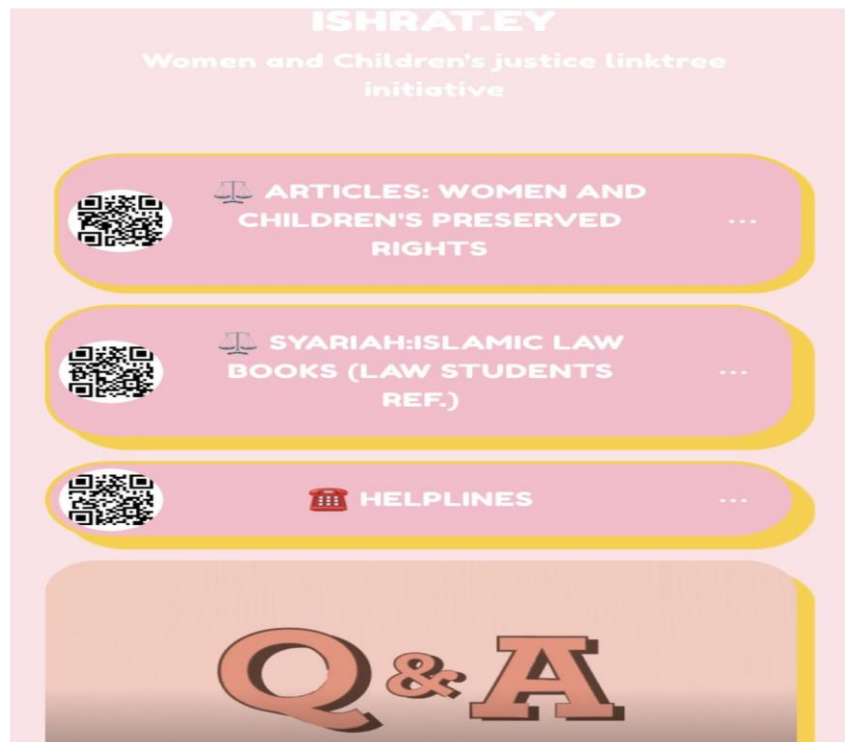


Figure 1. Articles: Women and Children's Preserved Rights

4. CONCLUSION

Islam is a thorough practice of life and comprehensive life rule that addresses all elements of human existence from birth to death. Women have the same rights as males in all aspects of life, according to Islam. Only the pious do not differentiate between men and women. It also prohibits male dominance over females. (Tiwari, A.,2021). Moreover, this linktree assists individuals in understanding women and children's rights from the standpoint of syariah law. As a result, we want to strengthen our linktree in the future based on feedback and suggestions from our users. To summarize, it is apparent that ISHRAT.EY might be of interest to everyone, particularly women in general, since it emphasizes the need of recognising women and their children's preserved rights under Syariah law. As a result of today's widespread socio-cultural norms and behaviours, there is a significant deal of confusion concerning Syariah law and women and their children's rights. Many Malaysians, particularly women and their children, are unaware of one another's cultural traditions and regulations. As a result, we founded Ishrat.ey to educate women and their children about their rights under Syariah law. As a conclusion, Ishrat.ey was developed to remind and educate women and their children the significance of recognising their preserved rights under the Syariah law so that they may deal with situations concerning their rights under Syariah law professionally and in a respectful manner of conduct. This linktree is for anybody interested in learning about Syariah law as well as women and children's rights.

ACKNOWLEDGEMENT

The team of researchers' views on the necessity to produce a linktree that may assist provide a better explanation about women and children's rights based on Syariah law inspired the creation

of ISHRAT.EY. But, without a medium of platform to build on and test the notion, efforts would have been futile. As a result, we would like to convey our heartfelt thanks and gratitude to our lecturer, Ustazah Khairah Ismail for her guidance and this appreciation is also addressed to the PI005 Law Programme as a representative of the UiTM Foundation Studies Center, who has contributed their thorough ideas and extended great support and cooperation in the success of producing our innovative project entitled ISHRAT.EY. We would also like to bid our heartfelt gratitude to our organizer, the Centre of Foundation Studies, Universiti Teknologi MARA (UiTM), Cawangan Selangor, Kampus Dengkil Universiti Teknologi Mara (UiTM) for conducting and sponsoring our innovative project in Creations De UiTM 2024, which allows the opportunity of our work on this invention to be recognised and acknowledged. Moreover, the Centre of Foundation Studies at UiTM financed the study participants so that the monetary incentive gives motivation and eases the financing of research to promote the concept to the wider audience. Gratitude is also extended to other students and lecturers in the Center of Foundation Studies at UiTM's Dengkil Campus in Selangor who contributed ideas and lent a helping hand in the development of ISHRAT.EY.

REFERENCES

- Alamgir, A. 2014. Islam and Women's Rights: Discourses in Malaysia. *Procedia-Social and Behavioral Sciences* 114:872-876
- Cholil, M. (2017). Complexities In Dealing With Gender Inequality: Muslim women and Mosque-Based social services in East Java Indonesia. *Journal of Indonesian Islam*, 11(2), 459. <https://doi.org/10.15642/jiis.2017.11.2.459-488>
- Doi, A. R. (1992). *Women in Shari'ah (Islamic Law)* (4th Ed.). Kuala Lumpur: A. S. Noordeen
- Harlina Siraj. 2015. Kesaksamaan & Persamaan Gender: Pro dan Kontra Dari Perspektif Sosial dan Agama. Jabatan Agama Islam Selangor (JAIS).
- ISLAMIC FAMILY LAW (FEDERAL TERRITORIES) ACT 1984 (ACT 303) -*Legal Reference*
- Muslim Women's Rights to Mut'ah After Dissolution of Marriage Under Islamic Law: *An Absolute or Limited Right* (Dahl 1997)
- Orakzai, S. B. (2014). The Rights of Women in Islam: The Question of "Public" and "Private" Spheres for Women's Rights and Empowerment in Muslim Societies. *Journal of Human Rights in the Commonwealth*, 2, 42-51. <https://doi.org/10.14296/jhrc.v2i1.2100>
- Patoari, M. H. (2019). The rights of women in Islam and some misconceptions: An analysis from Bangladesh perspective. *Beijing Law Review*, 10(12).
- Tiwari, A. (2021). How Islam, Holy Quran, and Prophet Mohammad (SAW) Changed the Life of Muslim Women. *Iconic Research and Engineering Journals*, 5(7), 141-163.