

**ISLAMIC FAMILY LAW: CONFLICT OF JURISDICTION BETWEEN  
SYARIAH COURT IN MALAYSIA.**

By

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Submitted in Partial Fulfillment of the Requirements  
for the Bachelor in Legal Studies (Hons)

**Universiti Teknologi MARA  
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MARCH 2005

The authors confirm that the work submitted is our own and that appropriate credit has been given where reference has been made to the work of others.

## ABSTRACT

The fundamental of this research is to find out whether in a present conflict between husband and wife, which Islamic Marital Law shall be applicable. According to the Federal Constitution, Islamic matters are within the ambit of state jurisdiction. Each state have their own Islamic Law which may varied from states to states, therefore the question is whenever there are clashes between the state decision made by one Syariah Court in one state, and another Syariah Court in another state which one will prevail.

This research shall be based on methods that will be conducted like analyzing the relevant law whether it is consistent or ambiguous by interpreting the statutes and looking at judicial decisions on cases that relates to this subject if there is any, and summarizing those cases. This study shall also establish whether the judgment of the cases is related and coherent with the local custom and cultural context.

For additional to our sources of study, we will be conducting a few interviews in order to know how serious the situation would be when the decision from one Syariah Court may differ from the other. We hope to gain something from the interviews conducted mainly from the Syariah lawyers to add into the depth of this study.

From the result out of this research, we hope to expend the knowledge regarding this matter although certain people may regards it as a small issue but actually it is not. Therefore we hope that the public will aware that the matters at hand are serious.

## ACKNOWLEDGEMENT

First of all we would like to deliver our thousand of appreciation to our supervisor Associate Professor Pn. Rohazarwaty binti Zualcoblely who has enlighten us in order to write this research. Without her guidance, this paper may not be completed appropriately. Secondly, we would like to give our gratitude to Associate Professor Mohd Darbi Hashim who gives us such an inspiration in order to doing this research.

Next we would like to deliver our appreciation to the library PTAR II that provides us with valuable information.

To all the people that have helped us in answering our questionnaires, we would like to thank you for the assistance that all of you gave and may God blesses you. To Pn. Rozlinda our Family Law lecturer thank you for gave us a bird's eye view regarding this topic therefore we can finish this research. Our special thanks, to our parents and love ones whom being so supportive and patient with us. Thank you for the understanding and all your pray to us.

Our special gratitude to Mr. Mahdi bin Baharom who have lent us his hand in times when we needed help the most. Your kindness shall be blessed with God's will.

Last but not least to the members of this group, Mr. Ismail b. Baharom and Miss. Norsharizah binti Ismail who really does the hard work in finishing this research. Sacrifice their time and energy in making this valuable research to come true.

Our highest gratitude (syukur) to Allah S.W.T who gave us strength to study and with His love compassion we are able to complete this research even though we're tend to forget about His kindness. Thank God in the end we are able to complete this project paper.

May Allah give His blessing to all of us.

# TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv
List of Cases	vi
List of Statutes	vii

## CHAPTER ONE: INTRODUCTION

1.0 History	1
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## CHAPTER TWO: CONFLICT OF JURISDICTION

2.0 Introduction	11
2.1 Non-Uniformity of Syariah Court	17
2.1.1 Divorce ( <i>Talaq</i> )	17
2.1.2 <i>Ta'liq</i>	20
2.1.3 Polygamy	22
2.2 Syariah Court Have Limited Jurisdiction	25
2.3 The Decision of Syariah Court Does Not Bind another Syariah Court	25

## CHAPTER THREE: FINDINGS

3.0 Introduction	28
3.1 First Question	28
3.2 Second Question	29
3.3 Third Question	30
3.4 Fourth Question	31
3.5 Fifth Question	32

**CHAPTER FOUR: CONCLUSIONS AND RECOMMENDATIONS**

4.0 Introduction	34
4.1 Recommendations	35
4.2 Conclusion	36
Bibliography	37
Appendices	38
Appendix 1: Questionnaires	38