

MATRIAMONIAL\_RELIEFS\_TO\_MUSLIM\_DIVORCED  
WOMEN IN THE STATE OF SELANGOR

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## CHAPTER 1

### INTRODUCTION

#### A. JUSTIFICATION OF THE STUDY

The purpose of this paper is to highlight some of the outstanding rights of muslim women on divorce. There is a call by the muslim women in Malaysia for the implementation of a fairer and uniform muslim law in Malaysia. In the year 1975, the First Muslim Women's Convention was held where more than four hundred muslim women representing twenty organisation contended that:-

"The principals of the Islamic Family Law as laid down in the Quaran and Prophet's sayings (hadith) are just; but the practise in Malaysia falls seriously short of these principles."

Therefore the convention pressed for reforms and fairer implementation of the Muslim Law relating to marriage and divorce.

The significant of this convention is that for the very first time in the history of Malaysia the muslim women seems to say:-

"Look, we are united, we know our rights in Islam we want, those rights to be upheld."

However, women of Malaysia due to lack of education, poverty and other factors are still ignorant of their full rights under Islam. At the convention stated above, a few women who participated in this convention have never heard of the payment of MUTA'AH which is a consolatory gifts made by the husband to the wife if she is divorced without just cause.

They frankly admitted to have learnt of the existence through a paper on "ISLAMIC LAW IN MALAYSIA?" by Professor Ahmad Ibrahim.

In view of this the writer would like to highlight as objectively as possible the rights of muslim women on divorce. Under muslim law and malay customs there are certain rights available to all muslim women. This is with intention to determine to what extent the administration of muslim law is within the framework of Islam. An interview with the sixty muslim women was conducted to determine to what extent muslim women are aware of their rights that has been discussed in this research paper.

#### B. SCOPE

Due to limitation of time and space the scope of the study has been reduced. The writer has discussed the important reliefs available to divorced women. The writer has even discussed the substantive law on muslim marriages and divorces with emphasis on administration of muslim law as applied in the state of Selangor. A discussion is also made in relation to rights as provided by the Holy Quran and Hadith or the Sayings of the Prophet with reference to Shafii School of Law. It is the most prevalent school in Malaysia followed by the malays. The propositions of this school are regarded as Orthodox and Authoritative.<sup>4</sup>

The writer has confined her study to that of the Reliefs namely Harta Sepencarian, Muta'ah, Custody of Muslim Infants, Maintenance and other Rights. Wherever it is necessary and expedient, the writer has made a general comparative study of the Muslim Law as administered in Selangor with that of other states of Malaysia and the countries like Pakistan, Arabia, India and other muslim countries.

Chapter 11 and 111 deals with the substantive muslim law on marriage and divorce. It discusses the requirements of marriage and types of divorces under the Muslim Family Law.