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HADHANAH UNDER-THE ISLAMIC LAW
AND
ITS APPLICATION IN MALAYSIA

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INTRODUCTION

One of the important branch in the Islamic law is the Hadhanah or custody of a child and the liabilities of the parents. Furthermore this is more or less the liabilities of the parents that must be given to the child under their custody.

The custody of a child is not only a moral obligation but also the obligation that is imposed by the Islamic Law and also the Civil so that the parents will not neglect their parental duties.

Hadhanah or custody in the wider sense of the word not only entitles the parents or any others given the custody the right to legal possession and safekeeping of the child but together with it the duties and liabilities to ensure the rights and wants of them. What is or is not fair to the parent in charge of t children is irrelevant because what is more important is what is best for them. This in deciding what is best for them; other consideration may come in relation to custom, child's own wishes, the alternative environment offered to the child, religion, character and

behaviour of the parents, conduct of the parents, age and sex of the child, continuity of care and the need of mother's love.

Islamic law is very particular in dealing with the interest of the child and what is best for them that it should be in the interest of the child if the woman in this modern law goes back to their role as a full time mother so that the child will be better taking care off.