

THE STATUS OF MUSLIM WOMEN
UNDER THE MUSLIM LAW
IN FEDERAL TERRITORY

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PREFACE

This book had been prepared in partial fulfillment of the Diploma in Law Course. It is hoped that it will serve as a useful reading for students of Muslim Family Law and every muslim woman.

A study on the status of muslim women, is necessary, in order to let the muslim women know their rights during their marriage and if the marriage have been dissolved, their rights after divorce.

Under Muslim Family Law, every woman has many rights bestowed upon her before or upon dissolution of a marriage. The Islamic marriage provisions apply equally to men and women. If celibacy is not recommended for men than it is not recommended for women. Marriage is the natural course for both.

This book is to highlight the status of muslim women, for it is a known fact that not all women are aware of their rights. There are some who, due to the lack of education, poverty and other factors are still ignorant of their full rights under Islam.

With the increasing number of divorces in the Federal Territory, women should be more alert to their rights available under Muslim Family Law, so that they will not be much oppressed and taken for

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CHAPTER ONE

INTRODUCTION

(a) Objective

The objective of this paper is to analyse the status of muslim women before, during and after dissolution of marriage under the Muslim Family Law as practised in the Federal Territory. The law governing the status of muslim woman in Federal Territory is The Islamic Family Law (Federal Territory) Act 1984. This enactment consists of provisions of Islamic Family Laws in respect of marriage, divorce, maintenance, guardianship and other matters connected with Muslim Family Law.

The Islamic Family Law (Federal Territory) Act 1984, is adopted from the Administration of Muslim Law Enactment 1952 of Selangor.

The organisation and the implementation of the Muslim Law in Federal Territory is being done by three main courts. The courts are:-

- 1 - Syariah High Court
- 2 - Syariah Appeal Court

These courts have criminal and civil jurisdiction.

In Federal Territory, Yang DiPertuan Agong is the head of Islam Religion. Any appeal cases from the Syariah High Court will be brought up to him. The Federal Territory (modification of the Selangor Administration of Muslim Law Enactment 1952) order 1974 provides for the setting up of a Majlis Ugama Islam (Council of Islamic Religion) to aid and advise the Yang DiPertuan Agong in all matters relating to the Muslim religion and to exercise such powers as may be conferred upon the Majlis by any written law.¹

In Federal Territory, Muslim law is mainly the orthodox Shafie Law. However it is varied by Malay Customs.

(b) Methodology Employed

Most of the materials in the writing of this paper were collected through research of references in various text books, journals and articles.

(c) Limitations of Study

Due to the limitation of time, the scope of this study has been confirmed to the law applicable in the Federal Territory. In the second chapter of this paper, the writer has discussed the substantive marriage requirement as applied in Federal Territory and also as provided by Holy Quran and Hadith or the saying of the Prophet (S.A.W) with reference to the Shafie School of Law.