

MATRIMONIAL RIGHTS OF MUSLIM WOMEN IN THE

THE FEDERAL TERRITORY

PRESENTED BY

NORAINI BT. WAHAB

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SIGNATURE OF WRITER: \_\_\_\_\_

CERTIFIED BY: \_\_\_\_\_

TABLE OF CONTENTSPAGE

PREFACE	(i)
ACKNOWLEDGEMENT	(ii)
TABLE OF CONTENTS	(iii) - (iv)
LIST OF TABLES	(v)
LIST OF STATUTES	(vi)
LIST OF CASES	(vii)

<u>CHAPTER ONE</u> - <u>INTRODUCTION</u>	1 - 3
1 - 1 PURPOSE OF STUDY	
1 - 2 METHODOLOGY EMPLOYED	
1 - 3 LIMITATIONS OF STUDY	
<u>CHAPTER TWO</u> - <u>MARRIAGE</u>	4 - 14
2 - 1 DEFINITION OF MARRIAGE	
2 - 2 SUBSTANTIVE MARRIAGE REQUIREMENTS	
2 - 3 COMPARISON OF MARRIAGE REQUIREMENTS	
UNDER SHAFIE LAW AND THE ISLAMIC FAMILY LAW	
(FEDERAL TERRITORY) ACT, 1984.	
2 - 4 EFFECTS OF MARRIAGE ON THE LEGAL STATUS OF WOMAN	
* END NOTES	

<u>CHAPTER THREE</u> - <u>DIVORCE</u>	15 - 28
3 - 1 INTRODUCTION	
3 - 2 FORMS OF DIVORCE	
* END NOTES	

<u>CHAPTER FOUR</u> - <u>MATRIMONIAL RELIEF DURING SUBSISTENCE OF MARRIAGE</u>	29 - 42
4 - 1 MAINTENANCE OF WIFE	
4 - 2 MAINTENANCE OF CHILDREN	
4 - 3 MASKAHWIN	
4 - 4 THE RIGHT TO THE CUSTODY OF CHILDREN	
* END NOTES	

	<u>PAGE</u>
<u>CHAPTER FIVE - MATRIMONIAL RELIEF AFTER DIVORCE</u>	43 - 62
5 - 1 MATRIMONIAL HOME	
5 - 2 MAINTENANCE OF WIFE	
5 - 3 MAINTENANCE OF CHILDREN	
5 - 4 MASKAHWIN	
5 - 5 THE RIGHT TO THE CUSTODY OF CHILDREN	
5 - 6 COMPENSATORY GIFT (MUTA'AH)	
5 - 7 HARTA SEPENCARIAN	
* END NOTES	
 <u>CHAPTER SIX - CONCLUSIONS AND RECOMMENDATIONS</u>	 63 - 71
END NOTES	
BIBLIOGRAPHY	72
APPENDICES	73

## CHAPTER 1

### INTRODUCTION

#### 1 - 1 PURPOSE OF STUDY

The purpose of this paper is to highlight the matrimonial rights of Muslim women, for it is a known fact that not all women<sup>are</sup> 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 granted by the men. Thus, it is of utmost importance that women know the types of relief available during the subsistence of marriage and also after divorce.

The legislation that governs Muslim women in Malaysia is peculiar to each state which has its own Administration of Muslim Law Enactment.

Each state has exclusive jurisdiction over the field of Islamic law and as a result, there is no uniformity of principle or practice from state to state. As every state has different provisions in their Enactment, thus giving different rights and protection to women, it is felt that there is a need for the implementation of a fairer and uniform Islamic law in Malaysia. Moreover, it had often been said that the practice in Malaysia falls seriously short of the principles of the Islamic Family Law, as laid down in the Quran and the prophet (S.A.W.)'s sayings (hadith).

In view of this, the writer would like to highlight as objectively as possible the matrimonial rights of Muslim women. Under Muslim Law and Malay customs, there are certain rights available to all Muslim women. This is with the intention of determining to what extent the administration of Muslim law in the Federal Territory is within the framework of Islam.

The writer has conducted interviews with the Pemangku Kadi Besar, Wilayah Persekutuan and a few other persons to determine to what extent Muslim women are aware of their rights. These interviews will be discussed in this research paper.

#### 1 - 2 METHODOLOGY EMPLOYED

Most of the materials in the writing of this paper were collected through research of references in various text books, journals and newspapers. Besides this, informal interviews were also conducted with various religious officials working at the Syariah Court, Jalan Ipoh, K.Lumpur, which provided invaluable primary sources.

#### 1 - 3 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. The writer has discussed the important reliefs available to Muslim women during the subsistence of marriage and after divorce. The writer has even discussed the substantive law as applied in the Federal Territory, and also the rights as provided by the Holy Quran and Hadith or the saying of the Prophet (S.A.W.) with reference to the Shafie School of Law.