

UNIVERSITI TEKNOLOGI MARA

**CONVERSION TO ISLAM AND THE RIGHT OF CHILD
CUSTODY IN SELANGOR**

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Submitted in Partial Fulfillment of the Requirements
for the Master in Islamic Family Law


FACULTY OF LAW

June 2010

STUDENT DECLARATION

"I declare that the work in the dissertation was carried out in accordance with the regulations of the Universiti Teknologi MARA. It is original and is the result of my own work, unless otherwise indicated or acknowledge as referenced work. This topic has not been submitted to any other academic institution or non-academic institutions for any other degree or qualification.

In the even that my thesis is found to violate the condition mentioned-above, I voluntarily waived the right of conferment of my degree and agree be subjected to the disciplinary rules and regulations of the Universiti Teknologi MARA."

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Abstract

This study is about conversion to Islam and the right of child custody with special reference to the State of Selangor. The issues relating to conversion to Islam, especially those cases pertaining to the right of custody of the minors have led to tension and have been given a wide coverage both locally and internationally. Furthermore, since the court system in Malaysia has a dual system between Muslims and non-Muslims, conflict of laws and jurisdiction have often occurred as the Muslim party cannot defend his/her right before the Civil Court and as for the non-Muslim party before the Syariah Court. Therefore, this study seeks to examine the issues and offer a relevant resolution as there are many pending cases which involved the disagreement claim of minor child custody among persons converted to Islam while his or her spouse refused to do so. As a result, conflict of laws between the Syariah and Civil laws and cases involving custody have never come to an end. At the end of the study, suggestion has been made to amend and add some provisions in both Civil and Syariah laws as there is a lacuna in the present laws.

Acknowledgement

In the Name of Allah Most Gracious Most Merciful. Alhamdulillah, praise be to Allah SWT without whose Blessings and Mercy, this study would not have been possible. I wish to record my appreciation for the help given by many people without whose assistance, this study would not be completed. I would like to wholeheartedly thank my supervisor, Associate Professor Dr. Mohamed Azam Bin Mohamed Adil, for his excellence guidance and continuous and relentless encouragement at every stage of the preparation and writing of this dissertation. I do not think that this dissertation would have been completed without his support. I am grateful for the help I received from the Deputy Director General of Institut Kefahaman Islam Malaysia (IKIM) Professor Datuk Dr. Zaleha Kamaruddin, Associate Prof. Dr. Raihanah Abdullah from the Department of Syariah and Law, Academy of Islamic Studies University of Malaya, Associate Prof. Dr. Najibah Mohd Zin, Lecturer at Islamic Law Department, Ahmad Ibrahim Kuliyyah of Law, International Islamic University of Malaysia (IIUM) and Tuan Hj Mahamad Naser Disa, Deputy Head of Research (Syariah Section) in the Malaysian Attorney General Chamber. Similar gratitude goes to the Dr Mohd Muhadis Hj Yasin (Head Assistant Director, Research & Development, Islamic Religious Department State of Selangor), Ustaz Mohd Daruddin Hj Taib (Bahagian Khidmat Nasihat Akidah, Selangor Mufti Department) and Ustaz Mohd Anwarulhaq Bin Sulaiman from The Department of Human Development of Religious Council of Selangor (Majlis Agama Islam Selangor). Thanks also to all of my lecturers who conducted this program namely; Associate Professor Siti Hajar Mohd Yassin, Associate Professor Norha Abu Hanifah, Emeritus Professor Datuk Dr. Shad Saleem Faruqi, Puan Noorul Huda Sahari, Puan Zakiah Samori, En Sirajuddin Siswadi Putra Mohd Seth, Puan Rozlinda Abdullah which also the Coordinator of the Post Graduate Studies at the Faculty of Law UiTM and the former Coordinator of Post Graduate Studies, Associate Professor Dr. Irwin U J Ooi. A lot of thanks to the UiTM PTAR 1 and 2 Library, Library of the International Islamic University of Malaysia (IIUM) Gombak, Library of Industrial University of Selangor (UNISEL), Library of UTM and Library of UUM for giving me full assistance in collection of the data and information. Personal gratitude is due to my colleagues from the Faculty of Social Sciences and Industrial Study whose inspiration and encouragement has provided me with moral support and strength. I'm greatly indebted to my wife, Sabariah Arof for his endless support, understanding, patience and assistance personally and academically which had contributed significantly to the completion of this dissertation. To her I convey my love and utmost gratitude also to our children, Asna Sima Syathirah, Asna Sima Zakiah, Ahmad Mumtaz and Asna Sima Mumtazah who had to bear my absence.

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