

Selected Issues in Family Law

Editor
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EDITED BY

NORA A. HAK



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ESTABLISHMENT OF A UNIFIED FAMILY COURT IN MALAYSIA: IMPLICATION ON THE NATIONAL FAMILY POLICY

By

Ain Husna Mohd. Arshad
Roslina Che Soh @ Yusoff

Introduction

The suggestion to establish a family court in Malaysia has been heard since early 1980's. It was not be given serious attention at that time. In recent years, the same suggestion has been mentioned again by many supporters from NGOs, few public figures, academicians and writers. Instead of establishing a family court, the High Court of Kuala Lumpur established its own family division. To some extent, this indicates that the Malaysian court has started to distinguish family disputes from other civil disputes that are competing to get settlement in the court. On the other hand, the Shariah court could be considered as a family court for Muslims due to the power and jurisdictions conferred to it which mainly covers family matters or Muslim personal laws.

The idea of family court is based on the ground that family disputes involve different approaches as compared to resolution of other civil matters due to its distinct features. These features include, firstly, future arrangement of the family life after divorced. Secondly, the involvement of interest of the third party primarily the children, who
