SELECTED ISSUES IN FAMILY LAW

EDITED BY

NORA A. HAK

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# TABLE OF CONTENTS

## CHAPTER ONE

**Definition of Marriage: Is ‘Same Sex Marriage’ A Marriage?**
Hanna Ambaras Khan and Nora Abdul Hak

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>15</td>
</tr>
<tr>
<td>Definition of Marriage</td>
<td>15</td>
</tr>
<tr>
<td>The Law in Australia</td>
<td>18</td>
</tr>
<tr>
<td>The Law in the United States</td>
<td>21</td>
</tr>
<tr>
<td>The Law in Malaysia</td>
<td>29</td>
</tr>
<tr>
<td>Conclusion</td>
<td>34</td>
</tr>
</tbody>
</table>

## CHAPTER TWO

**Women in Shariah: With Respect to Polygamy and Divorce**
Murni Wan Mohd Nor and Nora Abdul Hak

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>37</td>
</tr>
<tr>
<td>Women According to Quran and Sunnah</td>
<td>38</td>
</tr>
<tr>
<td>Polygamy in Islam</td>
<td>42</td>
</tr>
<tr>
<td>Divorce in Islam</td>
<td>46</td>
</tr>
<tr>
<td>Women in Other Civilizations, Religions, Countries and Cultures</td>
<td>51</td>
</tr>
<tr>
<td>Conclusion</td>
<td>53</td>
</tr>
</tbody>
</table>

## CHAPTER THREE

**Polygamy Issues in Muslim Countries: The Legal Provisions and Practices**
Ameera A. Abdul Malek and Nora Abdul Hak

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>55</td>
</tr>
<tr>
<td>Forms of Marriage</td>
<td>57</td>
</tr>
<tr>
<td>Polygamy in Various Religions</td>
<td>58</td>
</tr>
<tr>
<td>Islam</td>
<td>58</td>
</tr>
</tbody>
</table>
Chapter Four

Issues in Eloped Marriage (Kawin Lari) Among Muslims in Malaysia
Noraini Md. Hashim

Introduction .............................................................. 79
Definition .......................................................... 81
Background of Kawin Lari .......................... 82
Types of Marriage in Islam ......................... 86
‘Urfi Marriage .............................................. 87
Sirri Marriage ............................................. 88
Issues Pertaining to Kawin Lari ......... 89
Wali’s consent ............................................... 89
Wali of marriage according to priority .... 92
Wali mujbir (guardian with power of compulsion) .... 92
Right of the woman in choosing her husband to be .... 94
Wali ‘Adhal (Wali who refuses to be a wali) .... 95
Juristic views on wali ‘adhal ....................... 98
Wali Hakim ................................................. 100
Two Marhalah ............................................ 102
The Issue of Kul’i-Equality of Status .... 105
Conclusion .................................................. 107
CHAPTER FIVE

Resolution of Family Disputes: Mediation Vs Litigation
Nur Ezan Rahmat, Nora Abdul Hak, Nurdianawati Irwani Abdullah and Noraini Md. Hashim

Introduction ........................................................................... 111
Mediation and Its Advantages ............................................ 112
The Mediator(s) ..................................................................... 114
Principles and Application of Mediation .............................. 116
Conclusion .............................................................................. 119

CHAPTER SIX

Family Mediation and Other Dispute Resolution Processes
Distinguished
Nora Abdul Hak

Introduction ........................................................................... 121
Family Mediation ................................................................... 121
Litigation ................................................................................ 123
Conciliation ............................................................................. 125
Counselling/therapy .............................................................. 126
Arbitration .............................................................................. 128
Mediation-arbitration ............................................................ 129

CHAPTER SEVEN

Alternative Dispute Resolution in Pakistan in Settling Family Disputes
Mian Kauthar Hussain and Nora Abdul Hak

Introduction ........................................................................... 131
Domestic (Pakistani) Laws and Rules ................................. 132
West Pakistan Family Court Act 1964 ............................... 132
Muslim Family Law Ordinance 1961 ................................. 133
The Small Claims and Minor Offences Courts Ordinance of 2002
.......................................................................................... 133
SBNP Local Government Ordinance of 2001 .... 134
Arbitration Act 1940 (X of 1940) ......................... 134
View of the superior courts of Pakistan ................. 135
Hakam and Tahkim in Islamic Law ....................... 136
  Occasion of revelation (Sabah al-Nuzul) .................... 136
  Appointment ......................................................... 137
  Objective of Hakam .............................................. 137
  Legal Power of Hakam .......................................... 138
Observation ...................................................... 140
Requirements of Qualification and Procedure .............. 140
Prerequisites of Tahkim ....................................... 141
Conclusion and Suggestions .................................. 142

CHAPTER EIGHT

Establishment of a Unified Family Court in Malaysia: Implication on the National Family Policy
  'Ain Husna Mohd. Arshad and Roslina Che Soh @Yusoff

Introduction ...................................................... 145
Family Court Defined .......................................... 147
Overview of the Administration of Family Law ................ 147
  The Civil Courts .................................................. 147
  The Shariah Courts ............................................. 149
The Need for a Unified Family Court .......................... 150
Family Courts in Other Countries ............................ 154
  Family Court of Singapore .................................... 154
  Family Court of Australia .................................... 157
  Family Court of Egypt .......................................... 160
Conclusion ....................................................... 162

CHAPTER NINE

The Role of Family Support Division (BSK) in Helping Muslims
  Single Parent in Malaysia: An Overview
Nora Abdul Hak, Najibah Mohd Zin, Roslina Che Soh and Noraini Md. Hashim

Introduction ...................................................... 165
Child Support Scheme in other jurisdictions ............ 166
CHAPTER TEN

The Impact of CEDAW on Muslims Marriage and Family: The Malaysian Perspective
Nora Abdul Hak

Introduction ......................................................... 175
An Overview of CEDAW ........................................... 176
Marriage and Family ............................................. 180
CEDAW and National Family Policy .................... 185

Conclusion ............................................................ 186

CHAPTER ELEVEN

Pre-Marital Gift and Its Position after Divorce
Norliah Ibrahim

Introduction ............................................................. 187
Provision Relating to a Matrimonial Property ... 188
Pre-marital Gift ...................................................... 190
Pre-marital Gift after Divorce .............................. 191
Conclusion ............................................................. 195
CHAPTER 8

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

By

'Ain Husna Mohd. Arshad
Roslina Che Soh (a 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