

Contemporary Issues on Matrimonial Property

Edited by:
Zuhairah Ariff Abd Ghadas
Norliah Ibrahim

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CONTEMPORARY ISSUES ON MATRIMONIAL PROPERTY

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BUSINESS ASSETS AS MATRIMONIAL PROPERTY: IMPLICATION FOR FAMILY POLICY

Zuhairah Ariff Abd Ghadas & Norliah Ibrahim

7.0 INTRODUCTION

It is an everlasting wish of married couples that the marriage will last until they die. Nonetheless, despite the wish for interminable happiness, it is observed that one of the main reasons for divorce is related to financial issues, such as insufficient and unstable financial sources/standing of the parties. When it comes to matrimonial property claims, it is obvious that both parties are requesting or defending their rights for the property which exists during the marriage. The main test applied by both the Civil and Shariah courts in deciding rights and proportion of the divorced parties is the “contribution test” whereby if both parties contributed to the acquisition of the property then both parties shall have rights on the property. The proportion shall be decided based on the fraction which each parties contributed to the property.

It is observed that the contribution test could be effectively applied for tangible assets such as houses, land, vehicles, jewelleryes and saving which are personally owned by the parties. However, when