

# TELENISA

STATISTICS & FINDINGS 2018



Sisters in Islam



## Published by

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# Assalamualaikum,

It is my pleasure to present to you our Telenisa findings for the year 2018. In our ongoing effort to uphold and advance the rights of Muslim women in Malaysia, Sisters in Islam's Telenisa service continues to provide free legal advice to women and men with regards to their rights in accordance to the Islamic Family Law and Syariah Criminal Offenses Law in Malaysia.

As we have seen in recent statistics, divorce rates are very high, almost 3,000 divorces between 2013-2017 in Putrajaya, Labuan and Kuala Lumpur alone as quoted by our Deputy Minister for Women, Family and Community Development. For the third year running, *Fasakh* constitutes the highest number of enquiries received. *Fasakh* is usually instituted by the wife in a situation where the husband refuses to grant the divorce. Another area where the numbers of enquiries are high is polygamy and this is usually in relation to the wife not aware of the subsequent marriage or she and her children are facing financial difficulties as a result of the polygamous marriage.

What seems to be obvious from our cases is that the women's role in a marriage is changing. In the past, marriages were entered into with wives being dependent on husbands for maintenance and protection, and in turn, wives are expected to be obedient to their husbands. In this day and age however, many women no longer conform to the traditional roles and have become significant contributors, if not, equal providers, and protectors of their families. With education, women are even earning top spots at their workplace. To expect wives to adhere to norms which no longer fit with their lived realities brings a disjunct in these women's lives. The situation becomes more unfair and unjust when husbands don't fulfill their responsibilities to their home and the family, and further, when they commit acts of domestic violence.

The concept of *sakinah, mawaddah wa rahmah* (peace, love and compassion) should be the foundation where husbands and wives lay their marriage upon. Where there is compromise, give and take and mutual respect and where a wife is treated as a partner of equals rather than a person required to obey, then the true meaning of partnership in marriage can be achieved.

I would like to express my personal appreciation to all who have been involved in making Telenisa a success, including our team who work in caring for our clients, and to our partners, the Kuala Lumpur Legal Aid Centre and the Selangor Legal Aid Centre. I would also like to take this opportunity to thank the chambering students who spent their tenures with us and wish them all the best as future defenders of women's rights in Malaysia.

It is my wish that the findings in this book will create greater awareness for issues affecting Muslim women in Malaysia, and would garner support in our advocacy for reforms in laws, policies and practices that would lead to justice and equality for women.

**ROZANA ISA**

*Executive Director, Sisters in Islam*



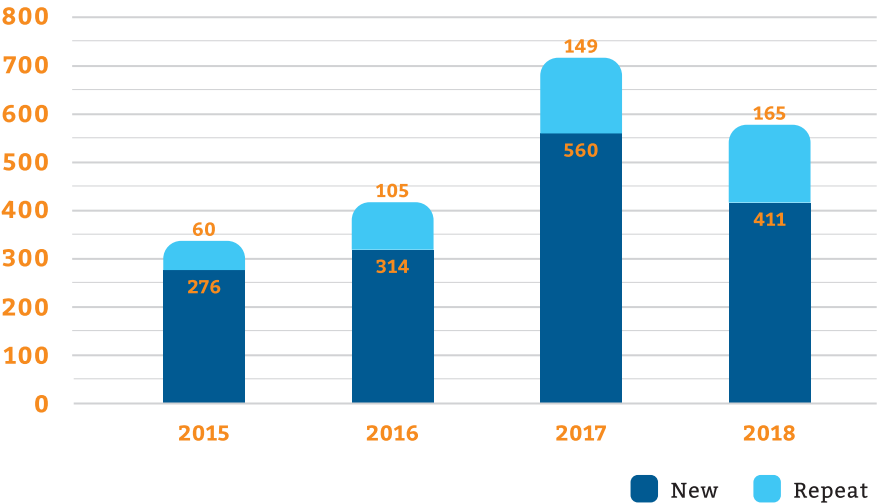
## OUR CLIENTS

# Client's Demography

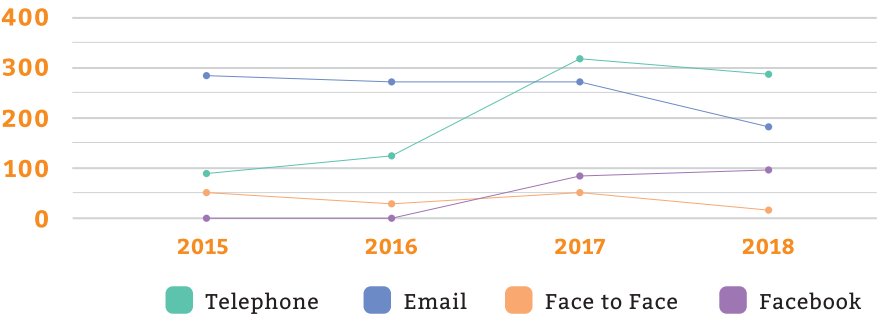
In 2018, Telenisa had a total of 576 clients with 411 new clients. 512 clients (89%) were women and 63 clients (11%) were men.

2017	2016	2015
709 clients with 149 repeat clients	419 clients with 105 repeat clients	336 clients with 60 repeat clients

## New & Repeat Clients (2015-2018)



## Method of Communications (2015-2018)



In 2017, Telenisa received many clients from a Facebook group that focused on marriage and family but the access for Telenisa to continue posting in this Facebook group was withdrawn in 2018 for unknown reasons. We highly encourage such Facebook groups to inform their followers of the availability of our service in order to provide support and assist them with their legal queries instead of just sharing their problems.

Clients contacted Telenisa through email, telephone call, social media and face-to-face appointment.

In 2018, 288 clients called the Telenisa line, 169 clients contacted Telenisa via email, 33 clients made appointments for face-to-face consultation and 96 clients made inquiries through Facebook.

One of Telenisa's challenges is to balance the need to have relevant and reliable statistics versus the need for clients to maintain their privacy. Some Telenisa statistics are classified as unknown as the clients preferred not to reveal the requested information.

## OUR CLIENTS

# Location & Household Income

Telenisa's clients are mostly concentrated in the Klang Valley with 321 clients from Kuala Lumpur, Selangor and Putrajaya, a decrease from 403 in 2017.

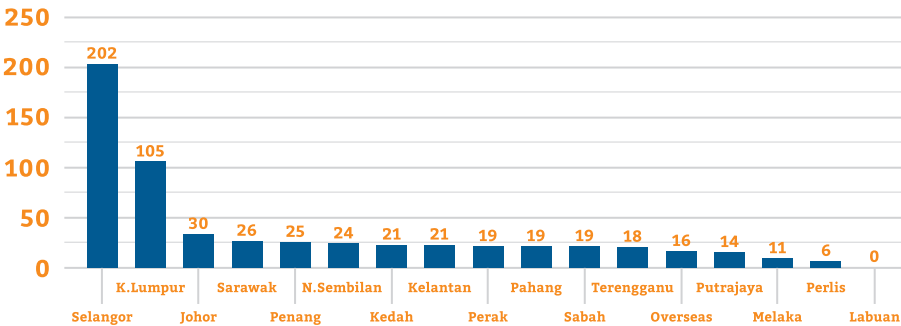
In 2018, 45 clients were from Sabah and Sarawak, an increase from 32 clients in 2017. 58 were from the east coast states of Kelantan, Terengganu and Pahang compared to 40 clients in 2017. 68 clients were from Johor, Negeri Sembilan and Malacca compared to 65 in 2017 and 71 from Perak, Kedah, Penang and Perlis compared to 83 in 2017.

We are encouraged that our services continue to expand beyond the Klang Valley. However, as we are limited in resources, our assistance to these clients can only be done by telephone, email or Facebook.

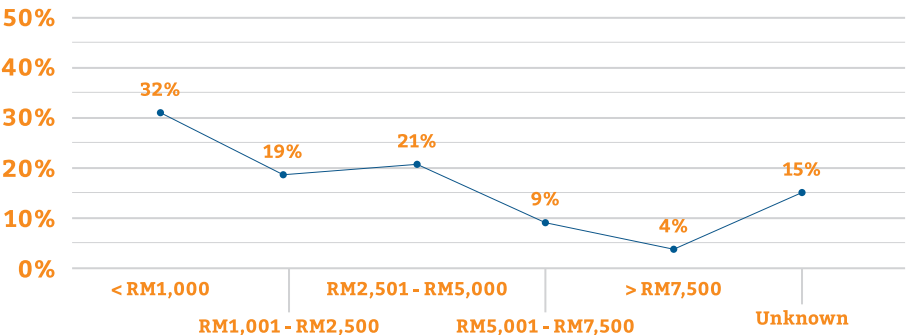
16 clients were Malaysians based abroad in Australia, India, Pakistan, Dubai and the UK whilst 18 were non-Malaysians from Indonesia, Philippines, Germany, and Syria, among others.

40% of the clients' household income fell under the RM1,000 – RM5,000 bracket, whilst 32% of the clients fell within under the RM1,000 income bracket. Notably, 13% of clients were within the RM5,000 and above household income bracket.

Client's Location



Household Income



# Professions

Our clients have various occupations. The category with the highest number of clients are the professionals with 69 clients (11.9%), followed by students at 55 clients (9.5%) and support staffs with 50 clients (8.7%).

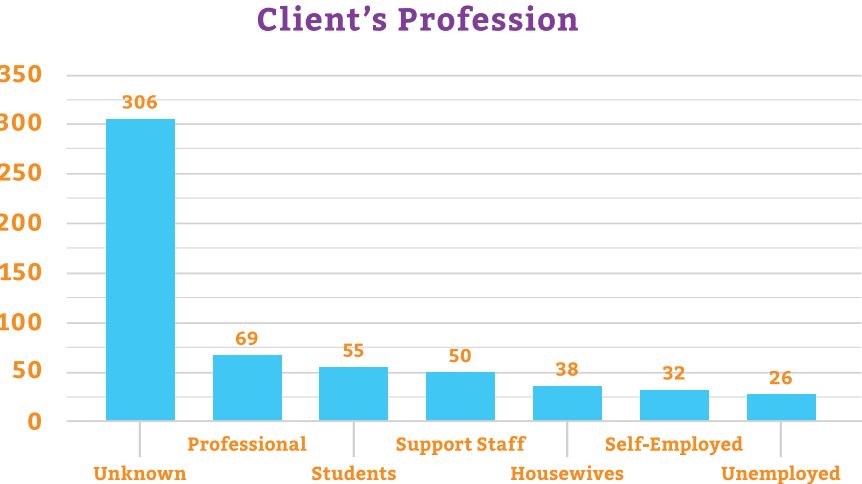
Majority of Telenisa’s clients are employed and only 13.6% are unemployed or are still studying. 53.2% were recorded as unknown due to the client’s wishes to retain their privacy.

75% of the clients are working in the private sector, 21% in the government sector and the balance 4% are recorded as unknown.

The level of education or earning power of our clients does not necessarily indicate better knowledge of their rights in marriage and family under the law. For this reason, Telenisa continues to hold knowledge and awareness sessions where we educate the Muslim public in Malaysia of their rights and responsibilities under the Islamic Family Laws of Malaysia.

This also shows that marital issues can be found within all walks of life and therefore it is a social issue that has serious consequences on the Muslim public in Malaysia.

Additionally, Sisters in Islam also advocates for the premarital course which is mandatory for every Muslim Malaysian to be reviewed and improved so that couples can be better equipped with information on the laws governing marriage, family and inheritance. This allows parties to make better decisions with regards to issues such as maintenance, the upbringing of children, violence and other abuses in marriage and family, properties acquired during the marriage and so on.



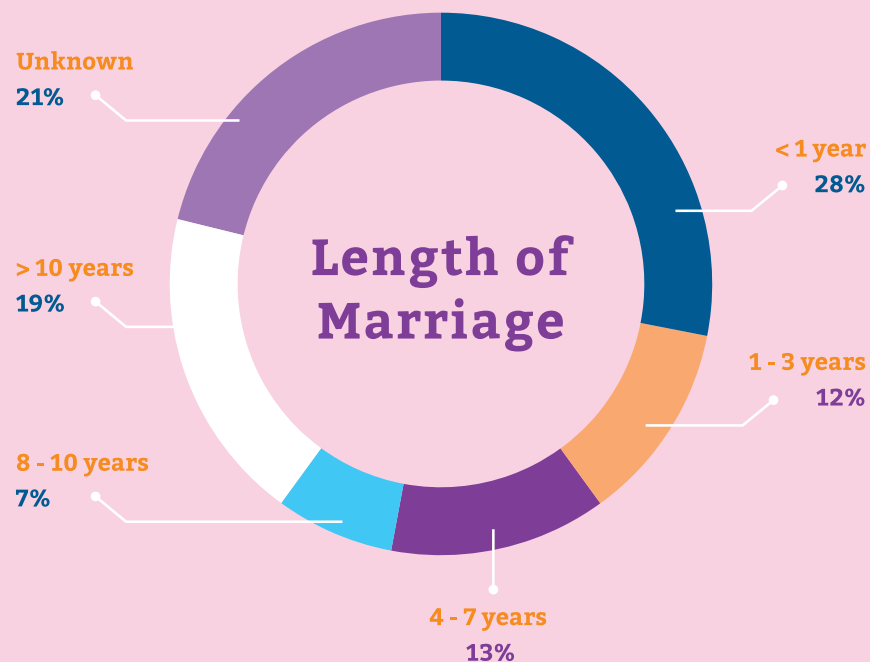


## OUR CLIENTS

# Length of Marriage

Telenisa also notes down clients' length of the marriage. Clients in their early stages of marriage (less than 1 year) accounts for 28% of our clients. On the other end of the spectrum, 19% of clients have been married for a decade or even more.

Clients usually decide to opt out of the marriage within the first year of marriage before having children or decades into their marriage once their children have grown. Clients often state that their children's welfare is their main priority.



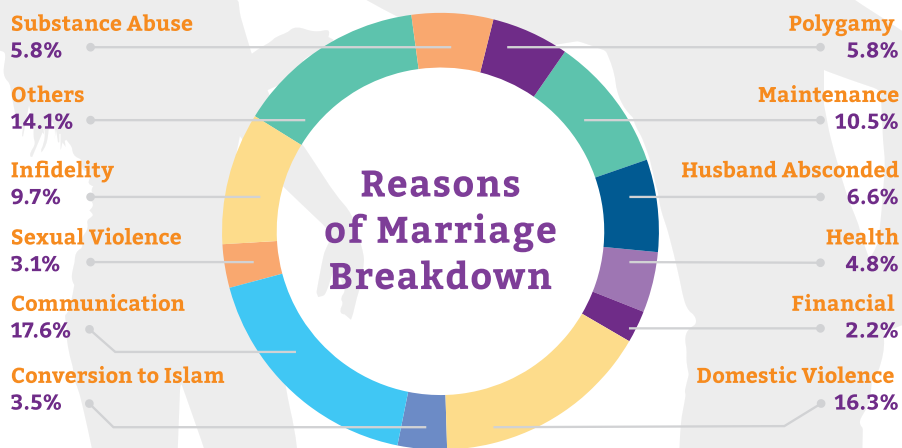
# Reasons for Marriage Breakdown

For 2018, the main cause for divorce is issues with communications (17.6%). This lack of communication or inability to communicate between husband and wife has resulted in many broken families.

Clients share that the main reason that communication is an issue is that they cannot come to a consensus on matters as serious as those relating to the children and as inconsequential as household decisions such as interior decorations.

The next cause of marriage breakdown is domestic violence at 16.3%. Women have become more aware of their position as an equal partner in a marriage. Acts which are humiliating and harmful are rejected by women as behaviour that should not exist in any partnership.

The concept of mutual respect and equality in partnership needs to evolve in the Muslim family institution and be cemented in the younger generation.



Islam does not allow husbands to act cruelly to his wife as stated in the *Quran* [4:19 and 30:21]. Other reasons for divorce such as infidelity, absconding and not providing maintenance besides being addicted to substances are clear acts of cruelty to the members of the family.

# Maintenance Remains the Biggest Issue

Financial issues remain the biggest concern for wives. 75 (32.5%) cases in 2018 involved wife's maintenance. 14.3% of the cases are on mut'ah and 12.1% of cases are on *iddah* maintenance.

Many husbands do not provide maintenance as they deem it unnecessary as their wives work and receive salaries. It is to be reminded that in the [Quran \[2:33\]](#) it clearly states “... Upon the father is the mother's provision and their clothing according to what is acceptable...”.

The Islamic Family Law also states that it is the responsibility of the husband, or his family if the husband is incapable or missing and unable to provide for the maintenance of the wife and children.

It is not difficult for a wife to have a court order requiring the husband to pay maintenance in most cases. However, in many cases we deal with, the husbands ignore the court order. The ex-wife had to go back to court to prove that the order had not been followed and seek an enforcement order on the husband. As such, the process to enforce an order is slow, cumbersome and for many single mothers it is an additional financial strain on them. There are no quick and effective legal consequences such as a fine or jail term for non-payment. In many cases, rather than spend money and time in court in trying to enforce the maintenance court order, wives just give up their claim.

## Issues Involving Wives



The Bahagian Sokongan Keluarga (BSK) was launched to channel temporary allowance to wives and children besides being an agent to collect the maintenance from ignorant fathers or ex- husbands. However, many do not know of BSK's existence.

The Ministry of Women, Family and Community Development, YB Datuk Seri Dr. Wan Azizah announced the Suri Incentive - a scheme where the wives will benefit monthly through their husbands' Employment Provident Fund (EPF) account. YB Datuk Seri Dr. Wan Azizah acknowledged that housewives are often overlooked, when in fact, they provided strong support for the family. However, this only applies to wives whose husbands work in the formal sector. Wives whose husbands work in the informal sector remain vulnerable and exposed.

## Issues in Wives' Maintenance



Sisters in Islam welcomes this effort by the Government towards ensuring justice to all wives and for them to receive what is rightfully theirs. However, we further advocate that quick and effective legal sanctions are also taken against husbands who violate the maintenance court order.

# Types of Divorce

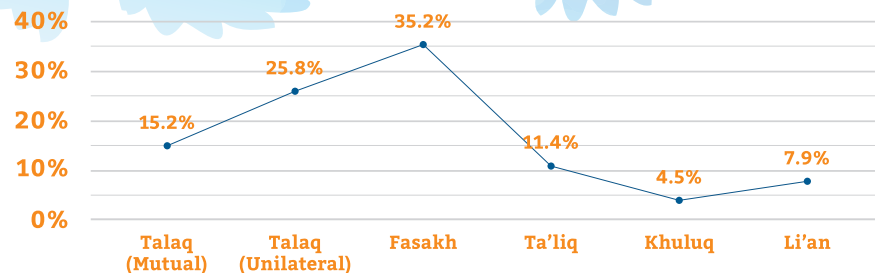
There are six methods to dissolve marriage under the **Islamic Family Law (Federal Territories) Act 1984 (IFLA)**. The six methods are: *talaq* by mutual agreement, *talaq* by unilateral pronouncement, *ta'liq*, *fasakh*, *li'an* and *khul'*.

*Fasakh* constitutes the highest number of enquiries for the third year running at 35.2%. *Fasakh* is usually the method of divorce instituted by the wife, particularly where the husband refuses to grant a divorce.

The next type of divorce frequently enquired by our clients is *talaq* by unilateral pronouncement (25.8%). This is where the husband utters the *talaq* (divorce) to his wife outside of Courts, usually following heated arguments between the couple and without the presence of witnesses. The issue with this type of divorce is that couples end up reconciling within a few hours or the next few days. Couples continue living their lives day-to-day, forgetting that the husband had uttered the *talaq*. In reality, the couple would have to verify the validity of the *talaq* pronouncement at the Syariah Court as soon as possible.

We have clients who only realise the effect of the *talaq* such as this after decades. They usually worry about the validity of their marriage and the status of their children (if pregnant after the *talaq* is uttered).

## Types of Divorce



In some cases, the wife does not even know that the husband has uttered the *talaq*, and only gets knowledge of it when she receives the divorce certificate. In other cases, we have seen husbands use *talaq* as a threat to demand that the wife drop her claims for maintenance and matrimonial property.

*Talaq* out of court is a harmful practice and is often used by husbands to devalue and intimidate a wife in times of conflict. In Malaysia, *talaq* out of court has been made progressively easier, with the courts accepting text messages *talaq* (with payment of a small fine), as well as *talaq* without witnesses.

In line with this, we have seen many cases, where this right has been severely abused by husbands. For this reason, in many Muslim countries, the laws have progressed to protect women against these abuses.

In Turkey and Tunisia, unilateral repudiation by the husband through *talaq* is not recognised whilst in Indonesia, Algeria and Mauritania, divorce by *talaq* can only be done in court.

## WOMEN'S RIGHT

### Ruju'

Issues in marriage has a total of 1, 073 cases in 2018.

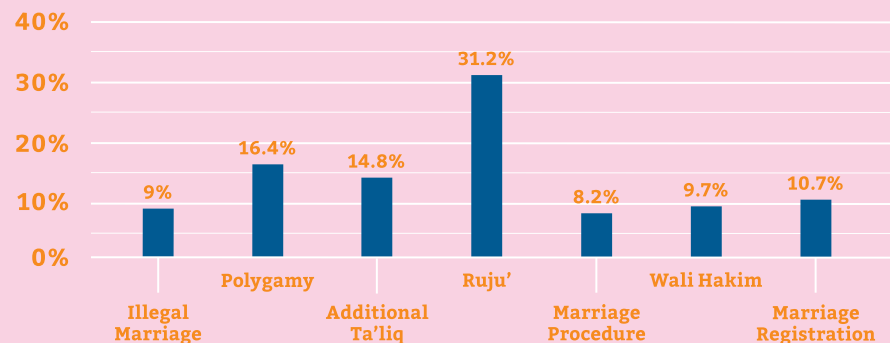
*Ruju'* has the highest number of cases at 31.2% (335cases). *Ruju'* is also known as reconciliation between husband and wife within the *iddah* period.

*Iddah* period is the period a woman must observe after the death of her husband or after a divorce, during which she may not marry another man. *Iddah* period differs with the minimum period being three complete menstrual cycles if the woman is at childbearing age and if the woman is no longer of childbearing age, her *iddah* period is three months. If the woman is pregnant, her *iddah* period ends upon the delivery of the baby.

*Ruju'* may only be practiced if the couple went through a revocable divorce (*talaq raj'ie*). If the couple goes through an irrevocable divorce (*talaq ba'in*), they may not *ruju'* unless there is an intervening consummated marriage to another man.

Clients often ask on the procedure of *ruju'* and whether their husbands may *ruju'* without their consent.

### Issues in Marriages



**Section 51 of the Islamic Family Law (Federal Territories) 1984** deals with the issue of *ruju'*. It clearly states that the consent of the wife is required where the husbands wants to *ruju'*.

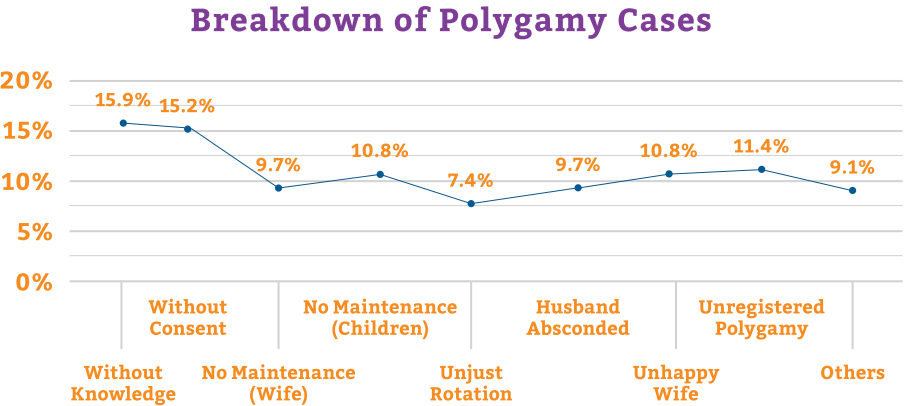
In one case, the husband came back to live with our client, Puan D, 4 weeks after their divorce. The husband expressed his intention to *ruju'* with Puan D. Puan D contacted Telenisa the next day asking whether that constitutes a *ruju'*. Furthermore, even engaging in conjugal relations during the *iddah* period does not necessarily constitute a *ruju'*; any child born after the divorce is considered born out of wedlock.

To ensure that the *ruju'* is valid, the couple has to proceed to the Religious Department and utter the *ruju'* in front of the Registrar. The Registrar will then issue a *ruju'* letter for the couple; they do not need to appear at the Court for this matter.

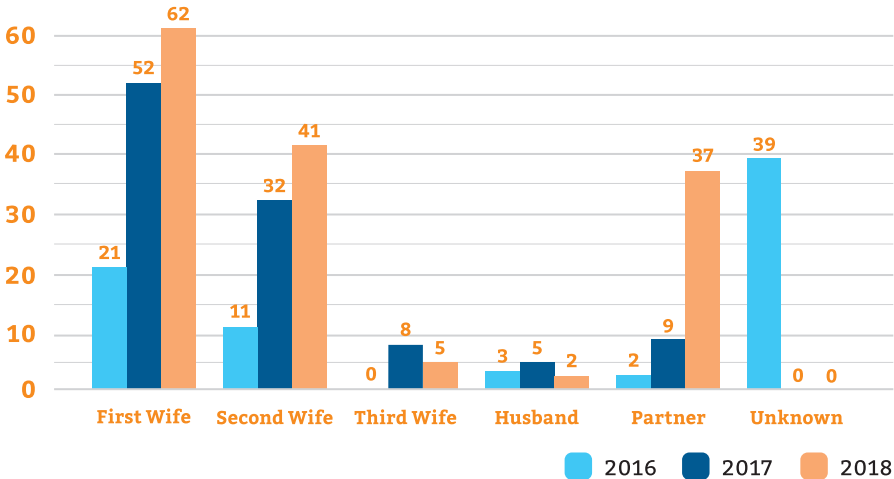
# Polygamy

In 2018, there were 176 polygamy cases, an increase from 106 cases in 2017 and 75 cases in 2016.

Clients mostly complained that their husbands are entering into subsequent marriages without their knowledge. The husbands conducted the akad nikah through marriage centres at the border of Thailand, hence bypassing Malaysian laws and the need to inform their wives. In some of our cases, the current wives would only find out of the subsequent marriages a few years after.



Number of Polygamy Cases (2016-2018)



Another issue is maintenance. Husbands in polygamous marriages often do not provide for their current families. In 2018, 9.7% complained that their husbands no longer support them and 10.8% complained that their children no longer receive maintenance from their fathers.

11.4% of the cases related to subsequent marriages that were not registered in Malaysia. Wives in such marriages lose their rights to inheritance and matrimonial property and children can be regarded as born out of wedlock as there is no proof of marriage in Malaysia.

## Unfair Laws on Polygamy

The law on polygamy in Malaysia in 1984 had strict conditions. The standard of living of the current wife had to be maintained notwithstanding the subsequent marriage, and the subsequent marriage had to be shown to be just **AND** necessary. However, subsequent amendments to the law in 1994 and 2006 have diminished the wife's rights.

Now polygamous marriages can be done secretly. The 1994 amendment allowed an illegal marriage without the court's permission to be registered upon payment of a small fine. Increasingly, polygamy is conducted on the border of Thailand to escape the need for Syariah Court approval.

The legal requirement to maintain the standard of living of current wives is removed- failure to provide maintenance goes unpunished. In 2006, the conditions for marriage were loosened to just **OR** necessary. Thus, a man at risk of committing zina is considered a necessary condition for a polygamous marriage. What about the rights of the wife?

Under the current law, a husband who enters into a polygamous marriage has the right to claim a share of the matrimonial assets, thus a husband who is going to marry a new wife would be able to seek the sale of the matrimonial home and make claims on the matrimonial assets in order to support his new family.

Under the current law, a wife is forced to choose either maintenance OR division of harta sepencarian (matrimonial assets) upon a husband entering into polygamous marriage, thus further reducing her financial rights and economic security within the marriage.

Sisters in Islam in collaboration with Universiti Kebangsaan Malaysia, Universiti Sains Malaysia and Universiti Malaya conducted a national survey on *"The Impact of Polygamy on Muslim Families in Peninsular Malaysia"* from 2007-2012, where they interviewed 1,224 individuals including husbands, first wives, second wives, children of first wives and children of second wives.

# Unfair Laws on Polygamy

The findings were as follows:

- **65%** of first wives were unaware of their husbands' marriage
- **40%** of husbands' reduced monetary contributions to their children, wives, and towards the household expenditure
- **44%** of first wives started working longer hours to supplement the family income.
- **64%** of first wives said their husbands had not complied with the 'turn-taking' agreements
- **45%** of husbands did not submit applications to court
- **60%** of first wives were not consulted by the courts
- **87%** of children said they had negative emotional/ psychological issues
- **60%** of children were involved in problematic activities such as excessive drug abuse, truancy and alcohol consumption

Many Muslim countries have realised the poor effects of polygamous marriage on the family institution and developed laws to ban or strictly regulate the practice of polygamy.

Country	Law On Polygamy
Kyrgyzstan, Tajikistan, Tunisia, Turkey, Uzbekistan	Prohibited.
Algeria, Indonesia, Iraq (Kurdistan region)	Requires court authorisation, and may only be concluded, with the agreement of existing wives. Strict requirements and conditions have to met for court approval.
Bangladesh, Pakistan, Iraq, Jordan, Morocco, Singapore, Syria	Requirement for official (court, etc.) authorisation.
Afghanistan, Algeria, Bahrain, Egypt, Jordan, Lebanon, Mauritania, Morocco, Palestinet	Wife has a right to divorce following a polygamy - either through a stipulation in the marriage contract (ta'liq) or by petition to the court.

Source : Musawah



# Child Maintenance

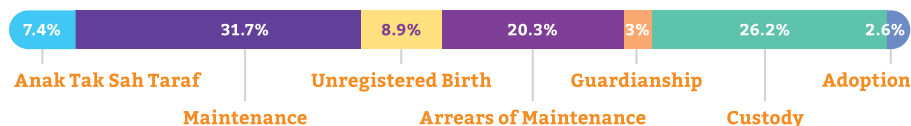
Maintenance remains the most prevalent issue involving children.

**Section 72 of the Islamic Family Law (Federal Territories) 1984 (IFLA)** clearly states that fathers have the duty to provide for his children no matter if he has the custody or whether the children are in the custody of someone else.

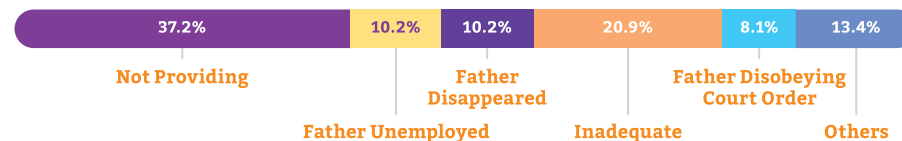
The child maintenance order is effective up to the child attaining the age of 18 or if the child continues tertiary education, up to attaining his/ her first degree. The maintenance order can be extended if the child is disabled, if the daughter has not married or if the Court sees necessary for the order to be extended. Fathers may be prosecuted by the Court if he continues to default the child maintenance order.

In 2018, there were 267 cases involving children with maintenance and arrears in maintenance at 52% and custody at 26.2%. The top issues for maintenance are fathers not providing maintenance (37.2%), fathers providing inadequate

## Issues Involving Children



## Issues in Child Maintenance



maintenance (20.9%) besides fathers being unemployed and fathers have disappeared both at 10.2%.

This issue has been a longstanding issue in Malaysia. Sisters in Islam has been advocating for tougher sanctions on fathers that do not perform their responsibilities for child maintenance. In some countries, the government takes on the responsibility of ensuring the father's payment of maintenance because it regards the child's welfare as a paramount national issue. This is necessary as without severe sanctions, fathers will continue to ignore the financial needs of their children. As a result, the children suffer from inadequate healthcare and education. If the mother has to undertake the financial burden and take on additional hours at work or additional jobs, the children will not receive the necessary parental supervision at home.

We welcome the recent announcement by the Minister in the Prime Minister's Department in charge of Religion, Yang Berhormat Datuk Seri Dr. Mujahid Yusof Rawa that the Government will implement a new system where the Syariah Court will be able to claim from the ex-husbands' contributions to the Employees Provident Fund (EPF) and bank accounts to pay the maintenance of wives and children where the husbands default. We hope that the government will continue to develop policies and methods to ensure the children's welfare in the case of a marriage breakdown remains of highest priority.

## Child Custody (*Hadhanah*)

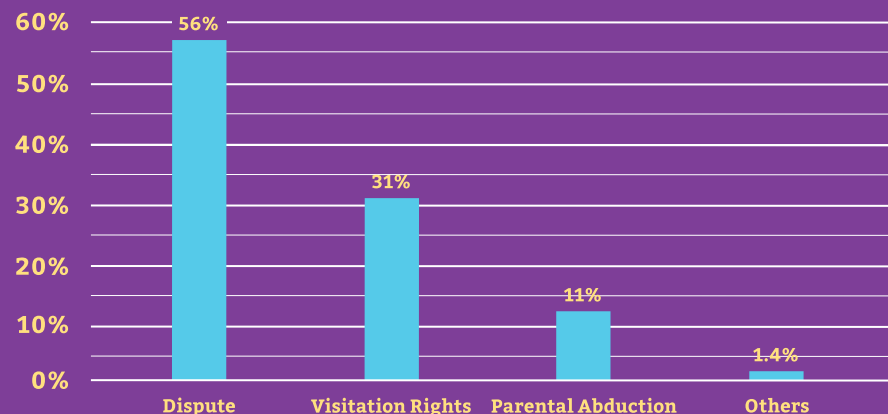
Child custody is the main subject when parents are in dispute.

**Section 81 of the Islamic Family Law (Federal Territories) 1984 (IFLA)** states that a mother is the most suitable person to have the custody of the child, followed by the maternal grandmother before the father and the paternal grandmother.

The custody duration is up to 7 years old for boys and 9 years old for girls. However, this duration may be increased to 9 years old (for boys) and 11 years old (for girls). Upon the expiration of the custody, the custody usually falls on to the father. Nevertheless, where the child has reached the age of discernment, the child is free to choose to live with either parents, as long as the welfare of the child is not affected.

For 2018, Telenisa recorded 71 cases (26.2%) involving child custody. The most prevalent issue among our clients is custody dispute (56.3%). Custody dispute brings out the worse as some parents end up abducting the children from their custodian, Telenisa notes 8 cases of child abduction in 2018.

**Issues in Child Custody**



The next issue is supervised visitation with 22 cases (31%). Our clients have raised that their former partners disagree with supervised visits as they are parents to the children too and they should have equal access to the children.

On another note, the custody of a child born out of wedlock (*anak tak sah taraf*) are vested on to the mothers as stated under **Section 85 IFLA**. The fathers do not have the right to custody even if he wants to take responsibility.

# Critical Developments

Throughout 2018, a few cases caused major outcry in Malaysia.

## ***Anak Tak Sah Taraf***

More commonly known as the 'bin Abdullah' case, it is still pending and is awaiting the Federal Court's decision.

The issue is that there are some fathers who want to take on the responsibility of an unplanned premarital pregnancy. They marry and have further children. However, the first child is labelled a child born out of wedlock. The child suffers from the stigma of being named 'bin Abdullah'.

In this case, the father wanted his daughter to carry his name in her birth certificate and identification card. They were not allowed to do so by the National Registration Department.

## **Child Marriage**

In June 2018, the case of a 40-year-old man marrying a 11-year-old girl in Kelantan created an uproar in Malaysia.

Child marriage is detrimental to the health of young girls, particularly if they become pregnant at a young age. It also deprives girls of education as these girls either had their education stopped because they had to marry or had to leave school once they became pregnant after marriage.

Sisters in Islam took part in #WhenIWas11 campaign which was organised by The Body Shop together with the Association of Women Lawyers (AWL) and Women's Aid Organisation (WAO).

SIS further took part in the *Pelajar Bukan Pengantin* Campaign.

## **Unilateral Conversion**

The Federal Court delivered a ground-breaking unanimous judgement in the case of Indira Gandhi. The Court ruled that that unilateral conversions of children to Islam are unlawful if without the consent of both the parents. The Court made the judgement on the basis of the interest of the child, and it was paramount that in significant issues such as religion both parents consent were required.

After 9 long years, Indira understands and accepts that her daughter is a practicing Muslim. However, this should not deprive her from meeting with her daughter. Notwithstanding the court decision, up to today, Indira has still not been reunited with her daughter. As of February 2019, there is still no updates on the location of Indira's daughter.

## DIVISION OF PROPERTY

# Faraid

Cases involving property has a total of 68 cases in 2018.

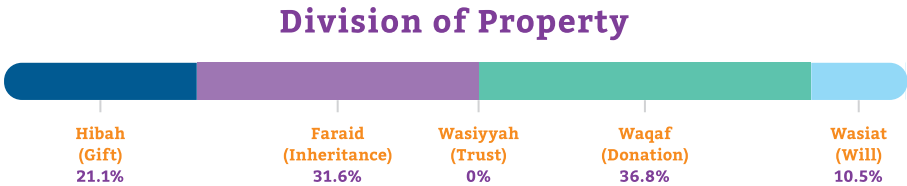
*Faraid* is the division of estate of the deceased among their heirs. At Telenisa, we receive countless inquiries regarding *faraid* at 31.6%. Inquiries most of the time come hand-in-hand with family disputes, anxiety and break-ups.

Telenisa would like to advise that other than *faraid*, which is one of the methods for the division of estate, every Muslim should know that there are various other options to manage their worldly goods (*harta pusaka*). Among the available methods are through *wasiat* (will), *hibah* (gift), *wassiyah* (trust) and *waqaf* (donation).

In most of our cases, the deceased has communicated that they would like to leave the property (eg: Employees Provident Funds savings, paddy field or car) to a specific person, usually the wife or children. They do so to ensure their family is well provided for after their death. However, in many cases, other benefactors such as brothers or other male relatives contest this and claim their share. It is then approved in court as it is the rule under *faraid*. Cash assets, EPF and insurance policies are also subjected to *faraid*, even where the benefactor has specifically named the beneficiary to the assets. A wife who is named as beneficiary of her husband's EPF contributions is only regarded as administrator and other male relatives may submit their claims to it according to *faraid* rules.

However, it is important to note that wives have a right to claim for *harta sepencarian* from the estate prior to distribution through *faraid*. This is a right not often known by many.

These other beneficiaries claim that it is their right as provided under the religion. In the meantime, we have witnessed wives and children lose their family home and live in destitute as a result of this. This system is severely unjust, and not acknowledging the realities on the ground where the male relatives no longer take responsibility over the deceased's family (such as they did in the time of the Prophet pbuh). Widows have the financial responsibility of their children after the death of their husbands. Daughters have the financial responsibility of their mother after the death of their father. This is the reality we live in today.



Sisters in Islam calls for a review of the *faraid* rules. In the early days of Islam, women were not educated, did not work and therefore, did not own properties. Thus, it was the responsibility of their male kin to support and care for them. Modern women are educated and have the opportunities to work and own properties. They also have to support themselves where their husband or parents pass away. Thus, there is no apparent reason to justify that the male kin should inherit more than that of the female kin. As such, inheritance laws have to be reviewed to reflect the changing realities of the society today.

# Legal Aid Training for Chambering Students

The Legal Aid Centres of Kuala Lumpur and Selangor have collaborated with SIS since 2003. Throughout 2018, 26 chambering students have completed their legal aid duty at Telenisa, as part of their chambering. The students will be provided with Syariah knowledge at the start of their training and their knowledge is further enhanced by being part of Telenisa. As part of their stint with Telenisa, they are encouraged to attend Syariah court sessions to observe the cases, code of conduct, processes as well as the judgements delivered.

## Observation on Syarie Judges

- Most judges were clear when they explained to the unrepresented Plaintiffs or Defendants.
- Some Judges were helpful and provided guidance to unrepresented parties but some others did not and therefore parties were in limbo.
- One Judge threatened to prosecute the Plaintiff when Plaintiff asked a few questions as the Plaintiff was not clear on the procedure.
- Judge observed the procedures, much more relaxed and soft-spoken.

## Observation on Syarie Lawyers

- A few lawyers came late and their clients had to wait for them.
- One of the lawyers was incompetent and did not have the documents needed in hand. He also rushed off once the hearing was over.
- One lawyer was very condescending to his Client. Student heard this as he spoke loudly to his Client outside the Courtroom.

## Observation on Court Procedures & System

- Observed that there was lack of discipline by the Court staff.
- The cases and schedule on the notice board were not updated.
- Suggest for cases such as khalwat and wali hakim should be held in chambers as they are sensitive cases.
- The Interpreter suggested for the Accused to plead guilty and pay the penalty to not 'waste time'.
- The microphone was not utilised, those in the gallery cannot hear properly.

# Complaints from Clients

## Complaints on Lawyers

- The Lawyer failed to give appropriate advice to the Client in the best interest of the Client.
- The Client paid full legal fees, but the Lawyer failed to attend the hearing.
- Lawyer arrived late for a hearing.

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## Complaints on the Religious Department

- Religious Department Officer failed to advise the client properly; there was lack of knowledge regarding shariah court procedures and the rights of the client as a wife and ex- wife.
- The Client sought for help from Baitulmal to engage a Syarie Lawyer as Client was abused by husband but was turned down. She found out later that her husband was provided with help by the Baitulmal to file a case against the Client to '*Kembali Taat kepada Suami*' (Return to Obedience to the Husband).



## Complaints on Judges

- The Client complained that the Judge made a judgment without the Client's attendance. The husband had filed for child custody but the Client was not notified of the hearing.
- The Judge did not consider the evidence that was provided by the Client even though the Client argued evidence given by the other party was not strong.

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## Complaints on Court System

- Sulh Officer did not comply with the procedures as Officer asked client to enter into agreement with Husband without discussing; Sulh Officer said it is not permitted to do so.
- Court gave judgement without the Client's knowledge as wife filed for *fasakh*; Client did not know about proceedings.

## What You Can Do To Help

CONTRIBUTIONS CAN BE CHANNELLED THROUGH: SIS Forum (Malaysia) | 5641 8240 5457 (Maybank)

### Organisations That Help & Support Women

#### Talian NUR

15999

*Domestic violence,  
child abuse*

#### All Women's Action Society (AWAM)

03 – 7877 4221

*Counselling, sexual  
harassment & rape*

#### Women's Aid Organisation (WAO)

03 – 7965 3488

*Counselling &  
shelter for violence  
against women*

#### Perak Women for Women (PWW)

05 – 546 9715

*Counselling*

#### Legal Aid Centre (Selangor)

03 – 5510 7007

*Free legal  
representation*

#### Legal Aid Centre (Kuala Lumpur)

03 – 2693 1440

*Free legal  
representation*

#### Women Centre for Change (WCC) Penang

04 – 228 0342

*Counselling &  
free legal advice*

#### Women Centre for Change (WCC) Seberang Prai

04 – 298 8340

*Counselling &  
free legal advice*

#### Sabah Women's Action Resource Group (SAWO)

088 – 269 291

*Counselling &  
free legal advice*

#### Sarawak Women for Women Society (SWWS)

082 – 422 660

*Counselling &  
free legal advice*

# Sisters in Islam

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From 10:00 a.m. – 5:00 p.m.



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