



**SiStera in Islam**



## **STATISTIK DAN DAPATAN TELENISA 2023**

**TELENISA STATISTICS AND FINDINGS 2023**

**DISOKONG OLEH:  
SUPPORTED BY:**



**FRIEDRICH NAUMANN  
FOUNDATION** For Freedom.



**YAYASAN**

# **DITERBITKAN OLEH**

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# INTRODUCTION

*In Malaysia, women continue to encounter significant challenges, especially in navigating the Syariah court system for maintenance, divorce, and child custody cases. Telenisa's data comparison from 2021 to 2023 reveals the four leading grounds for divorce, with domestic violence being the most prevalent in 2023, accounting for 20%. This pattern of abusive behaviour aims to control a partner, causing various forms of stress, violating human rights, and severely impacting women's lives. The second major cause is husbands' failure to provide maintenance, at 19%, consistently ranking among the top divorce reasons since 2021. Communication breakdowns, the third highest cause at 17%, have decreased from 31% in 2022. Infidelity, at 12%, has slightly declined from 13% in 2022.*

*Complex bureaucratic processes, difficulties in obtaining evidence, and lack of societal support make the legal journey stressful and daunting, especially for those without legal representation or dealing with uncooperative spouses. Societal stigma further deters women from seeking justice. Financial constraints leave 99% of Telenisa clients without legal representation, forcing them to manage intricate legislative procedures alone. High costs of experienced Syariah lawyers, coupled with limited resources from the government and NGOs, exacerbate the situation.*

*The technical nature of court procedures and challenges in gathering evidence, especially in cases of domestic violence, maintenance, infidelity, and communication failures, complicate the process. Geographic separation and filing inconveniences add to the burden, while emotional and psychological effects from prolonged court trials strain the well-being of involved parties, particularly children. These cumulative issues highlight the urgent need for accessible legal support and streamlined processes in Syariah courts.*

*These statistics and findings 2023, aim to provide all stakeholders with a clearer understanding of the current situation. We hope these and our special recommendations will prompt both structural and legal changes to improve the circumstances for Muslim women in Malaysia.*



01

**KLIEN KAMI**

*OUR CLIENTS*



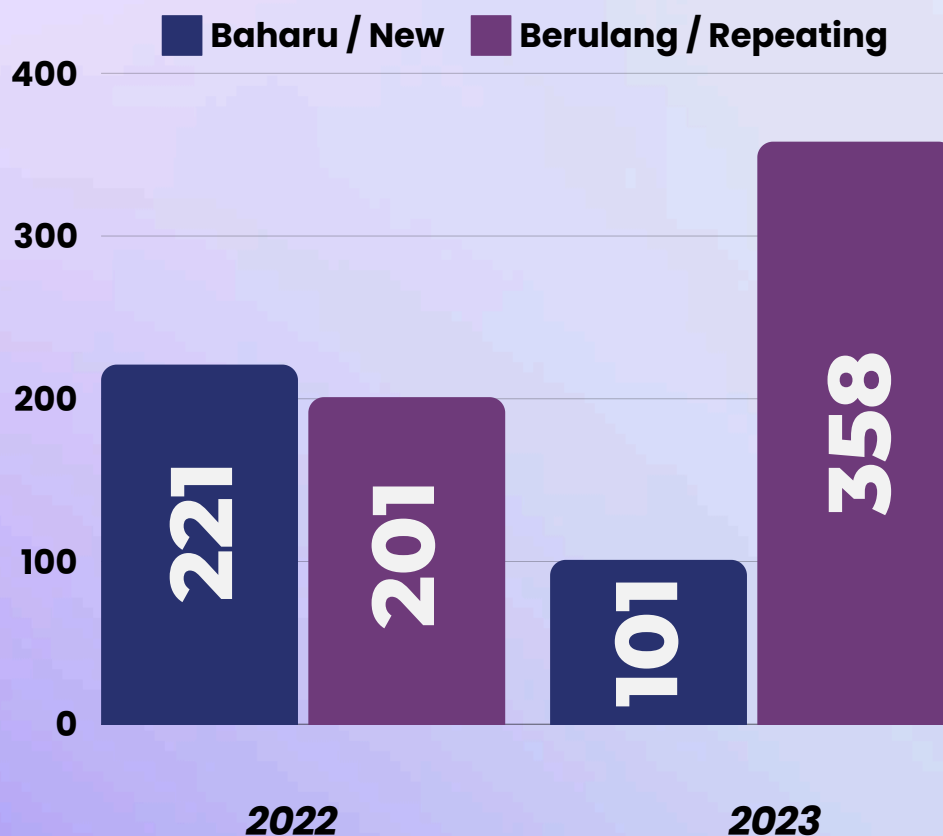
## DEMOGRAFI KLIEN

Pada tahun 2023, Telenisa telah menyediakan perkhidmatan kepada 459 orang klien. Ini merupakan satu peningkatan daripada jumlah 431 yang kami terima pada 2022. Telenisa telah menerima 358 klien baru pada tahun 2023 selain 101 orang merupakan klien berulang yang kembali untuk mendapatkan perkhidmatan nasihat kami.

### CLIENT DEMOGRAPHICS

*In 2023, Telenisa provided services to a total of 459 clients. This is an increase from the total of 431 clients we had in 2022. Telenisa received 358 clients in 2023, 101 of them were returning clients who sought our services once again.*

### **Jumlah Klien / Total Clients**

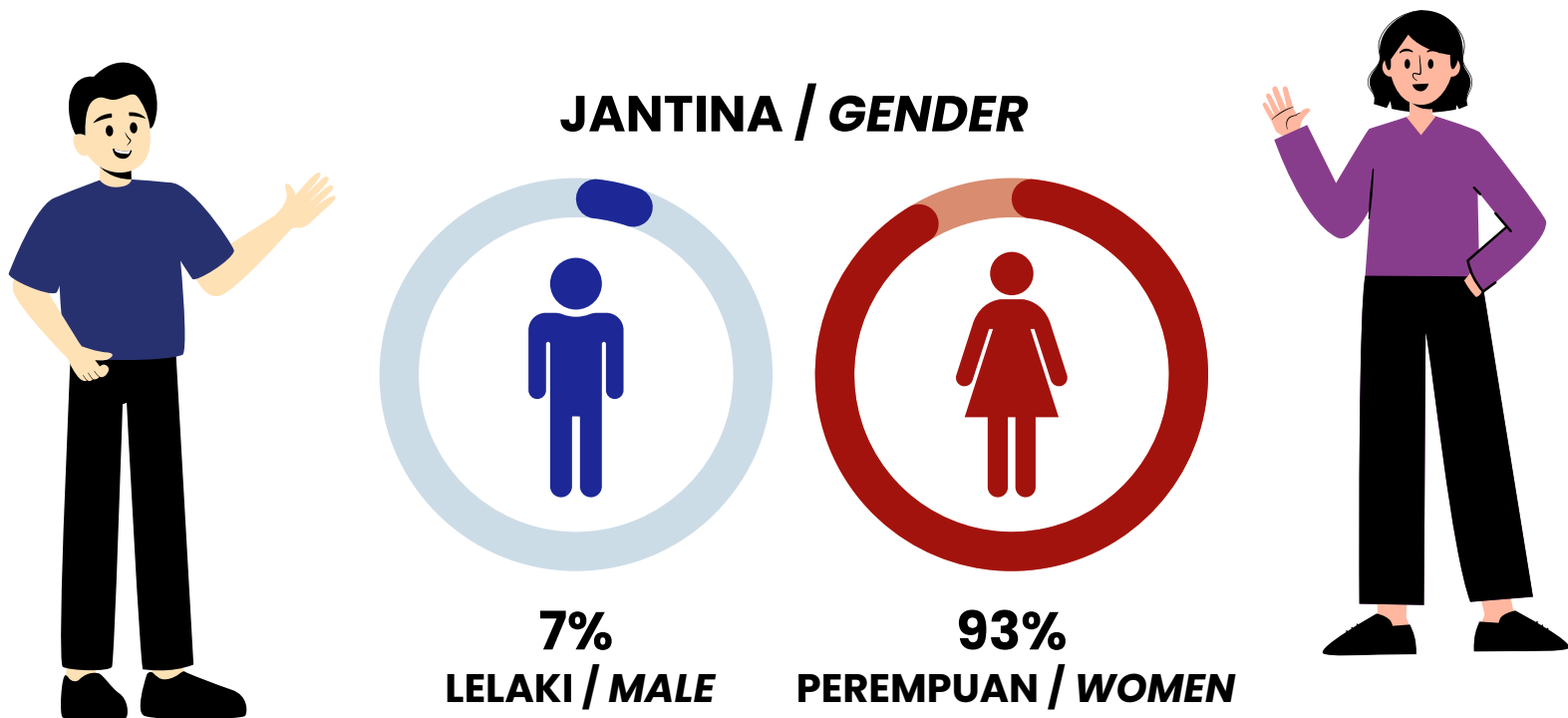


## JANTINA

Sebahagian besar klien adalah perempuan iaitu seramai 427 orang (93%) manakala 32 orang klien (7%) adalah lelaki.

## GENDER

*In 2023, Telenisa provided services to a total of 459 clients. This is an increase from the total of 431 clients we had in 2022. Telenisa received 358 clients in 2023, 101 of them were returning clients who sought our services once again.*



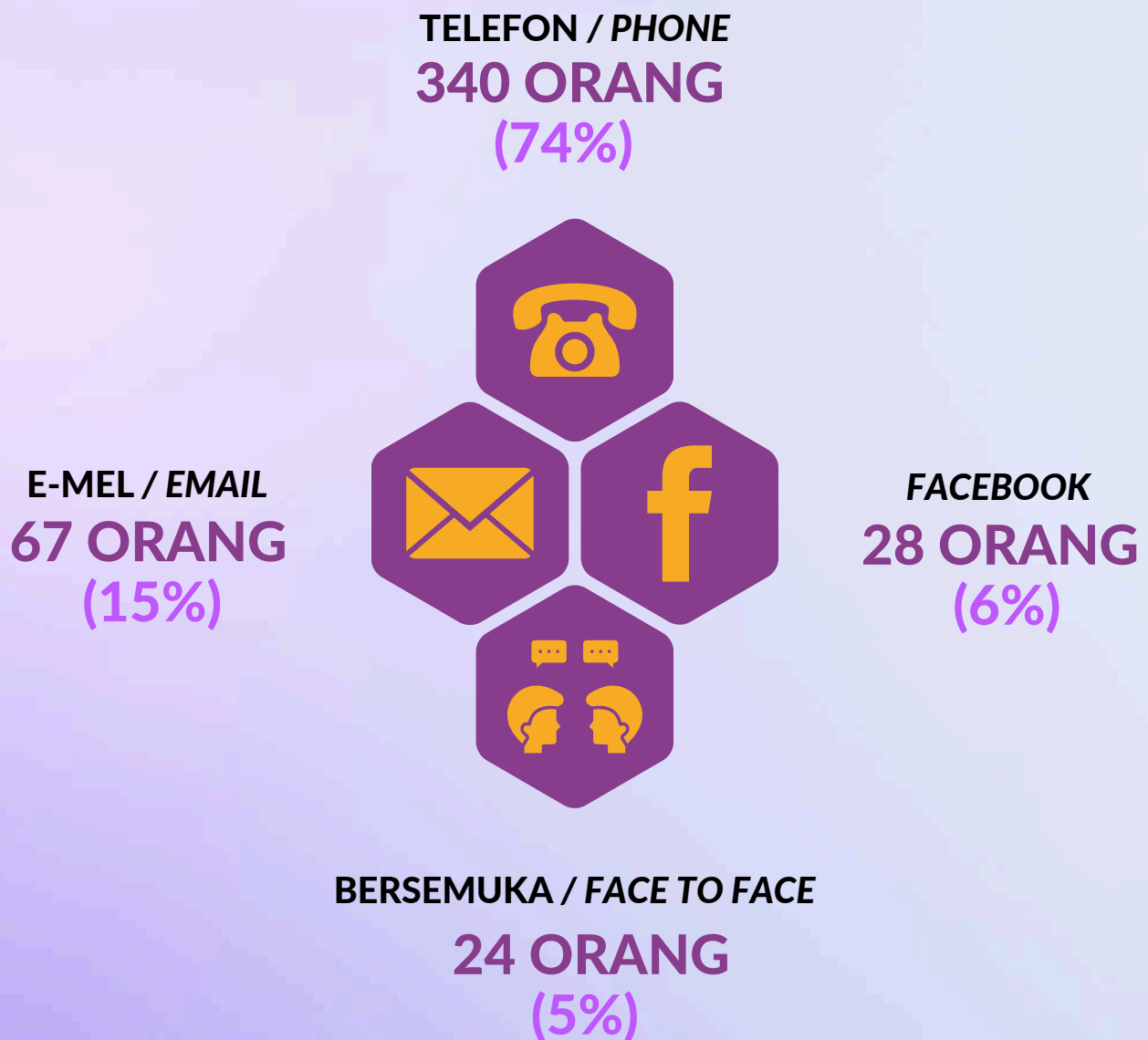
## KAEDAH KOMUNIKASI

Secara majoritinya, seramai 340 orang klien (74%) telah menghubungi Telenisa melalui telefon, terutamanya melalui panggilan suara dan pesanan teks WhatsApp. Ini diikuti oleh klien yang menghubungi kami melalui e-mel seramai 67 orang klien (15%), melalui Facebook seramai 28 orang klien (6%) dan 24 orang klien (5%) datang ke pejabat Telenisa untuk sesi rundingan secara bersemuka.

## METHOD OF COMMUNICATION

The majority of the clients, totaling 340 (74%), contacted Telenisa via the telephone, particularly through voice calls and text messages on WhatsApp. This is followed by 67 (15%) clients communicated via email, 28 (6%) clients contacted us via Facebook and the remaining 24 (5%) clients came to our office and met us in person.

## **KAEDAH KOMUNIKASI / METHOD OF COMMUNICATION**



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## LOKASI

Data lokasi yang telah dikumpulkan menunjukkan 99% (456) daripada klien kami menetap di Malaysia, sementara 3 orang klien (1%) menghubungi kami dari luar negara. Sebanyak 67 (309) klien berpusat di Lembah Klang, di mana 200 orang menetap di Selangor, diikuti Kuala Lumpur dengan 105 klien dan Putrajaya dengan 4 klien.

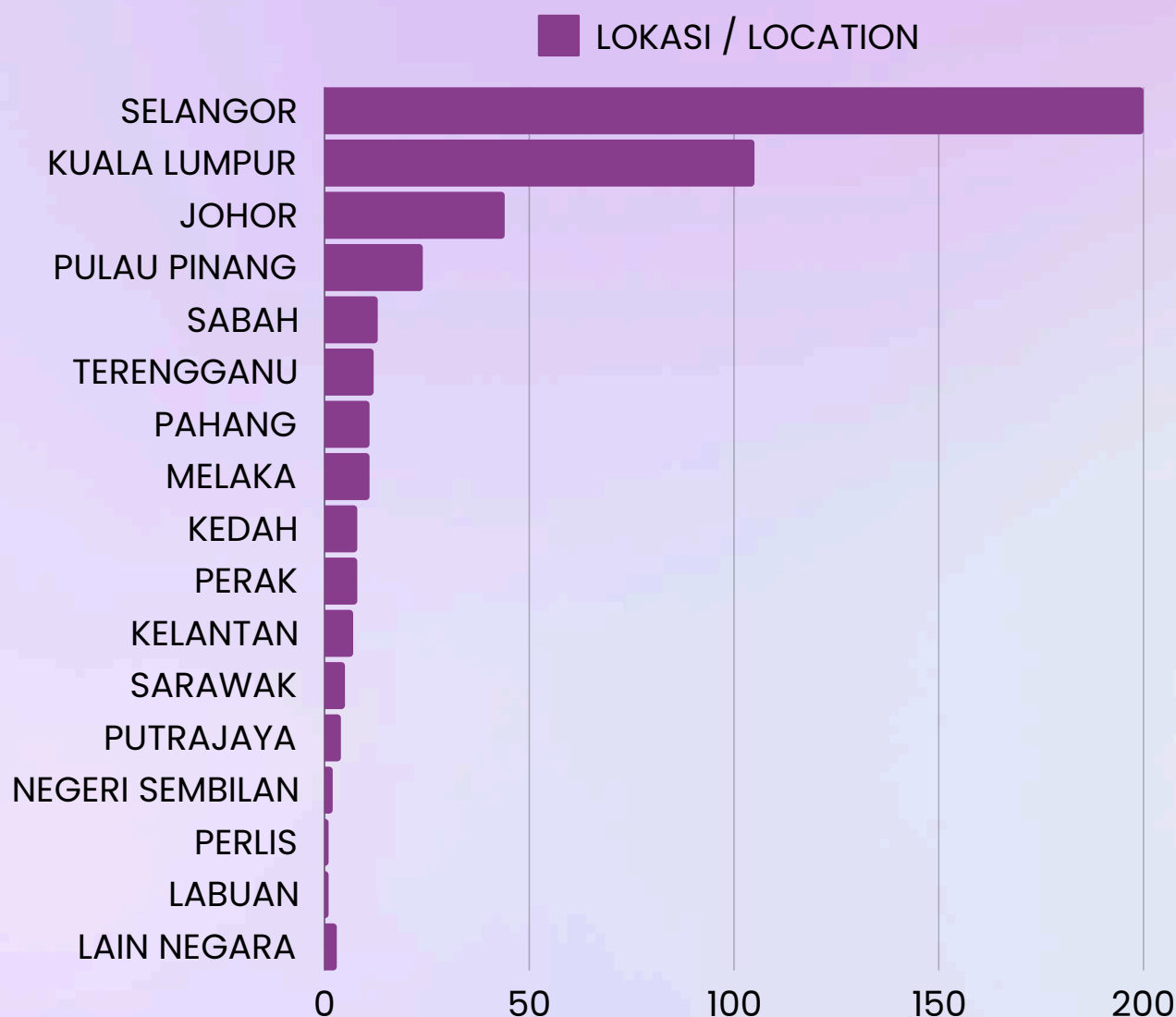
Sebanyak 33% (147 orang) menetap di negeri-negeri lain di Malaysia, termasuk juga di luar negara. Seramai 44 orang klien datang dari negeri Johor, 24 orang klien dari Pulau Pinang, 11 orang klien masing-masing berasal dari Pahang dan Melaka, diikuti dengan 8 orang klien masing-masing datang dari Kedah dan Perak. Seterusnya, seramai 7 orang klien berasal dari Kelantan, 2 orang klien dari Negeri Sembilan, seorang dari Perlis dan selebihnya, 12 orang klien dari Terengganu. Telenisa turut menerima 19 orang klien dari Malaysia Timur iaitu seramai 13 orang klien dari Sabah, 5 orang klien dari Sarawak dan seorang dari Labuan.

---

## LOCATION

*The collected location data indicates that 99% (456) of our clients reside in Malaysia, while 3 clients (1%) contacted us from overseas. A total of 67% (309) of clients are based in the Klang Valley, where 200 of them reside in Selangor, followed by Kuala Lumpur with 105 clients and Putrajaya with 4 clients.*

*A total of 33% (147) reside in other states in Malaysia, including overseas. There are 44 clients from Johor, 24 from Penang, 11 each from Pahang and Melaka, and 8 each from Kedah and Perak. In addition, 7 clients are from Kelantan, 2 from Negeri Sembilan, 1 from Perlis, and the remaining 12 from Terengganu. Telenisa also serves 19 clients from East Malaysia, comprising 13 from Sabah, 5 from Sarawak, and 1 from Labuan.*



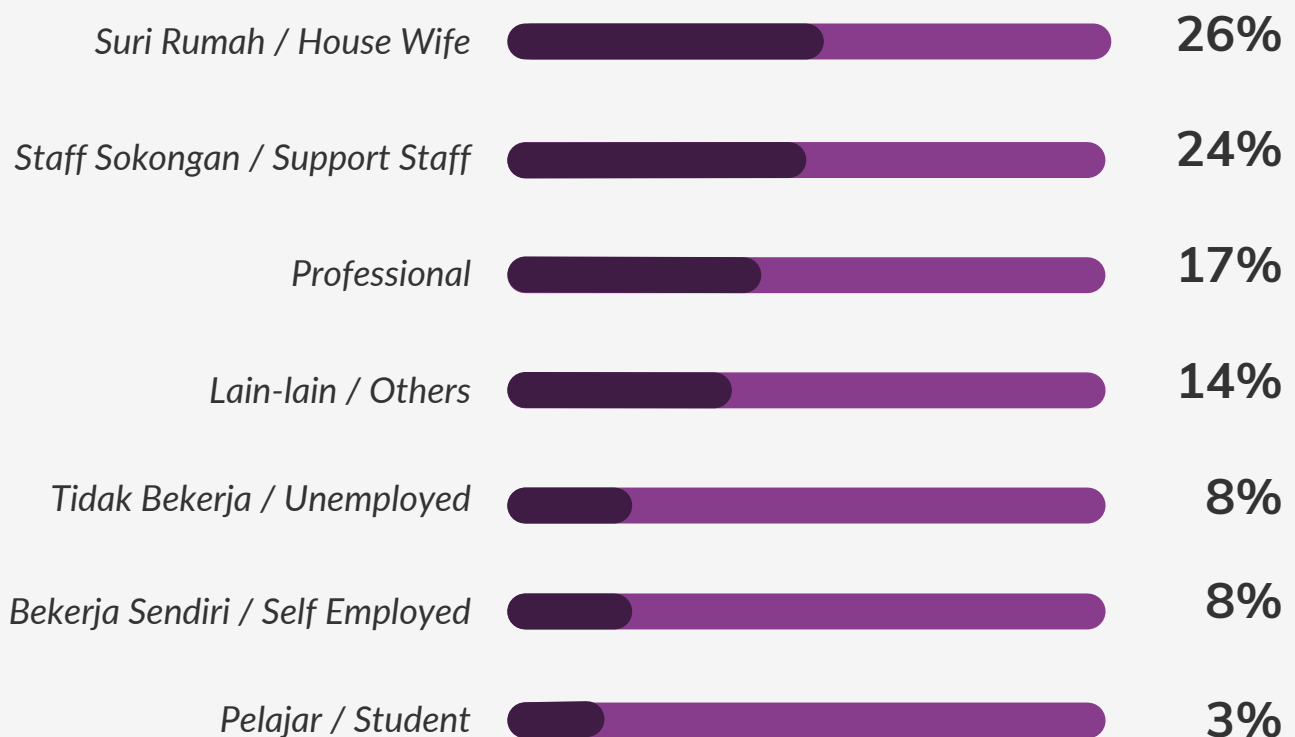
## PEKERJAAN

Daripada jumlah 459 klien Telenisa, sebanyak 26% klien adalah suri rumah, diikuti oleh staf sokongan sebanyak 24% dan profesional sebanyak 17%. Klien yang mempunyai pekerjaan lain-lain sebanyak 14%, klien yang bekerja sendiri dan tidak bekerja sebanyak 8% dan pelajar sebanyak 3%.

## OCCUPATION

Telenisa's clients work in various sectors. Out of 459 total clients, 26% are homemakers followed by support staff at 24%, professionals at 17% and other occupations at 14%. Self-employed clients and unemployed both came in at 8% and students were 3%.

### PEKERJAAN / OCCUPATION



## **PENDAPATAN ISI RUMAH**

59% klien kami terdiri daripada golongan B40 (golongan berpendapatan rendah), peratusan ini menurun dari 71% pada tahun 2022. Golongan B40 adalah kumpulan yang mempunyai pendapatan isi rumah tidak melebihi RM4,850 sebulan. Sebanyak 24% klien dari golongan ini mempunyai pendapatan bulanan di antara RM2,500.00 hingga RM5,000.00, sementara 21% menerima gaji di antara RM1,000.01 hingga RM2,500.00 manakala 14% lagi menerima gaji kurang daripada RM1,000.00 sebulan.

Pada tahun 2023, peratusan klien Telenisa dari golongan M40 meningkat kepada 18% berbanding 15% pada tahun 2022. Golongan M40 (golongan berpendapatan pertengahan) ini menerima julat gaji di antara RM5,000 hingga RM10,970 sebulan. Dalam golongan M40 ini, sebanyak 9% terdiri daripada klien yang berpendapatan di antara RM5,001.00 hingga RM7,500.00 sebulan. Seterusnya, sebanyak 9% terdiri daripada klien pertengahan atas yang berpendapatan melebihi RM7,500.00 sebulan.

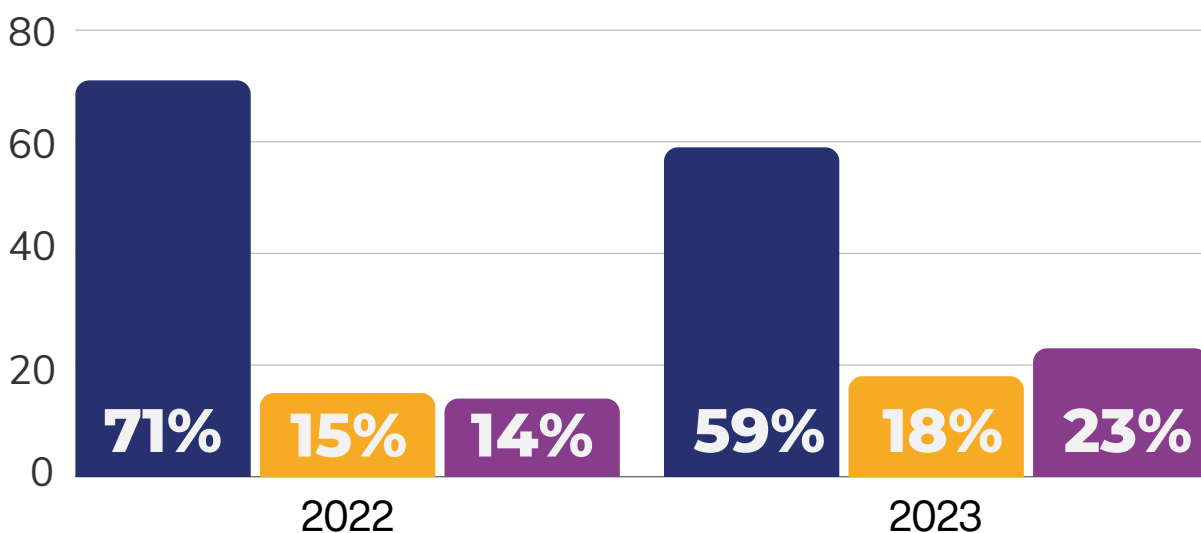
Manakala baki 23% klien kami tidak mendedahkan pendapatan isi rumah mereka.

## **HOUSEHOLD INCOME**

*59% of our clients are from B40s (low-income households not exceeding RM4,850 per month), a percentage that has dropped from 71% in 2022. 24% of clients in this group receive monthly income ranging between RM2,500.00 and RM5,000.00, while 21% earn salaries between RM1,000.01 and RM2,500.00. Additionally, another 14% receive salaries of less than RM1,000.00 per month.*

In 2023, the percentage of Telenisa clients from the M40 group increased to 18% as compared to 15% in 2022. This increase represents clients from the M40 (middle-income group) with salaries ranging from RM5,000 to RM10,970 per month. In this M40 group, 9% consist of clients earning between RM5,001.00 and RM7,500.00 per month. The remaining 9% are top-middle clients who earn more than RM7,500.00 a month. Next, 23% of our clients do not disclose their household income.

## PENDAPATAN ISI RUMAH / HOUSEHOLD INCOME



B40 (GOLONGAN BERPENDAPATAN RENDAH/LOWER INCOME TIER)



M40 (GOLONGAN BERPENDAPATAN PERTENGAHAN/MIDDLE INCOME TIER)



TIDAK DIKETAHUI/UNDISCLOSED





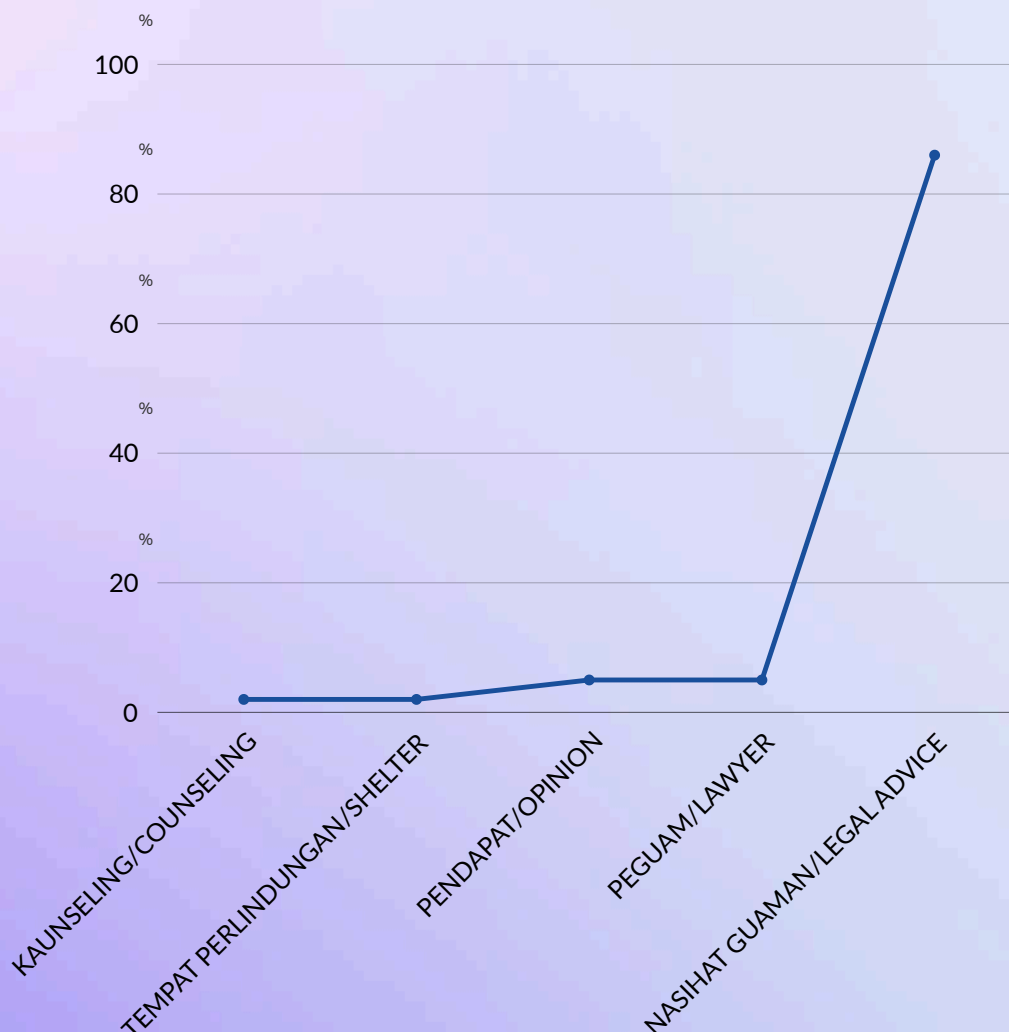
## BANTUAN YANG DIMINTA

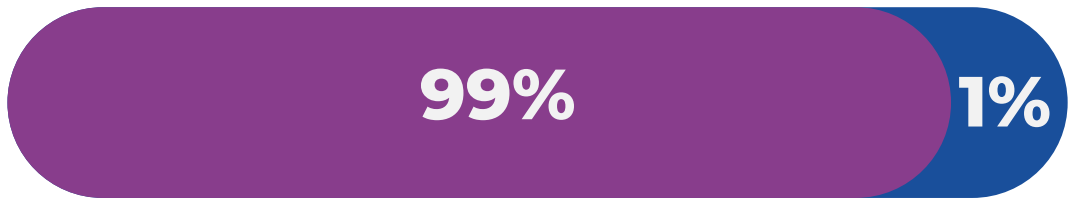
Sebanyak 86% daripada klien kami meminta khidmat nasihat guaman dan perundangan, sementara 5% lagi meminta bantuan untuk mendapatkan wakil peguam dan pandangan. Sebilangan 2% mencari tempat perlindungan yang selamat dan khidmat kaunseling.

### REQUESTED ASSISTANCE

*86% of our clients requested legal advice and consultation, while the other 5% requested assistance for lawyer representation and opinion. Two percent are looking for safe shelter and counseling.*

## **BANTUAN YANG DIMINTA / REQUESTED ASSISTANCE**





*Tiada perwakilan peguam/  
No Legal Representation*



*Ada perwakilan peguam/  
Legal Representation*

### Akses Kepada Keadilan

99% daripada klien Telenisa tidak mempunyai peguam dan hanya 1% sahaja ada diwakili oleh peguam syarie. Ini disebabkan kekangan kewangan untuk memfailkan kes di mahkamah Syariah. Tidak semua individu mampu mendapatkan khidmat peguam syarie yang berpengalaman; boleh jadi kerana kos yang tinggi atau kekurangan sumber bantuan guaman yang disediakan oleh kerajaan atau NGO. Selain itu, terdapat cabaran lain yang dihadapi oleh klien Telenisa iaitu:



## Prosedur Yang Rumit

Prosedur perundangan di mahkamah Syariah boleh menjadi sangat teknikal dan memerlukan pemahaman mendalam misalnya tentang prosedur di bawah Enakmen Undang-Undang Keluarga Islam (Negeri Selangor) 2003 dan Enakmen Tatacara Mal Mahkamah Syariah (Negeri Selangor) 2003. Ini termasuklah pemfailan dokumen, mematuhi tatacara tertentu, dan proses yang mengambil masa yang lama. Pembuktian kes di mahkamah Syariah memerlukan bukti yang kukuh, dan dalam banyak kes, mungkin sukar untuk mengumpulkan bukti yang mencukupi, terutamanya dalam kes-kes seperti keganasan rumah tangga, penafian nafkah, curang dan kegagalan komunikasi. Di samping itu, ramai individu mungkin tidak mempunyai pengetahuan yang mencukupi tentang hak-hak mereka dan proses undang-undang di mahkamah Syariah.

## Isu Bidang Kuasa Mahkamah

Mahkamah Syariah setiap negeri mempunyai bidang kuasa yang berlainan. Kes-kes tertentu seperti perkahwinan, perceraian, nafkah, dan hak jagaan anak boleh menjadi rumit apabila melibatkan pasangan yang tinggal berjauhan terutamanya lokasi tempat bekerja yang terletak jauh dari rumah kelamin. Tambahan pula, isu pemfailan kes boleh dimulakan oleh sebelah pihak menyebabkan pihak satu lagi terpaksa mengorbankan masa, tenaga dan wang untuk menghadiri kes di mahkamah Syariah yang terletak jauh dari lokasi rumah kelamin.

## Kesan Emosi dan Psikologi

Konflik dalam perkahwinan akan meninggalkan kesan mendalam terhadap kesihatan serta kesejahteraan pasangan dari sudut psikologi. Isteri boleh kemurungan kerana penganiayaan dari segi emosi atau fizikal yang kerap berlaku. Penganiayaan yang berlaku juga boleh menyebabkan kemurungan kepada anak-anak. Kemuncak kepada kemurungan yang terhasil daripada peningkatan konflik perkahwinan adalah terjejasnya hubungan di antara ibu bapa dan anak sekaligus mempengaruhi perkembangan fizikal dan psikologi anak-anak mereka.

Apabila klien memulakan prosiding kes di mahkamah Syariah, terutamanya dalam kes-kes perceraian seperti tuntutan nafkah dan hak jagaan anak, ia boleh menyebabkan tekanan dan memberi kesan negatif kepada kesejahteraan emosi dan psikologi individu yang terlibat. Seterusnya, kesan emosi dan psikologi ini lebih mendalam apabila proses perbicaraan di mahkamah Syariah mengambil masa yang lama. Penangguhan yang berpanjangan boleh memberi tekanan emosi yang lebih tinggi serta kekangan kewangan kepada pihak yang terlibat.

### *Access To Justice*

*99% of our clients have no legal representative, and only 1% have a legal representative. This is due to the financial constraints to file a case in the Syariah court. Not all individuals are able to obtain the services of experienced Syarie lawyers due to the high cost or lack of resource assistance provided by the government or NGOs. In addition, there are other challenges faced by Telenisa clients:*

### **Complicated Procedure**

*Legislative procedures in Syariah courts can be highly technical and require a thorough understanding of the law and procedure such as the Islamic Family Law (State of Selangor) Enactment 2003 and the Syariah Court Civil Procedure (State of Selangor) Enactment 2003. This includes document filing, adherence to specific procedures, and lengthy processes. Proving cases in Syariah courts requires solid evidence. In many cases, it can be difficult to gather sufficient evidence, especially in cases such as domestic violence, maintenance, infidelity and failure to communicate. In addition, many individuals did not know enough about their rights and legal processes involved in Syariah courts.*

### **Court Jurisdiction Issues**

*The Syariah courts of each state have different jurisdictions. Certain cases such as marriage, divorce, maintenance, and child custody can be complicated when involving couples who live far away, especially where the workplace is located far from the marital home. Additionally, the issue of filing cases can be initiated by the parties causing the other party to incur time, energy and money to attend a case in a Syariah court located far from the location of the marital home.*

### **Emotional and Psychological Effects**

*Conflict in marriage leaves a profound impact on the health and well-being of the couple from a psychological point of view. The wife may experience depression due to emotional or physical abuse that frequently occurs. Such abuse can also lead to depression in children. The culmination of depression resulting from increased marital conflict is the deterioration of the relationship between parents and children as well as the physical and psychological development of the children.*

*When a client initiates proceedings in Syariah courts, especially in divorce cases involving claims for maintenance and custody rights, it can create stress and have negative effects on the emotional and psychological well-being of the individuals involved. Furthermore, these emotional and psychological effects deepen when the trial process in the Syariah court is prolonged. This can lead to prolonged deferral and put a higher emotional and financial strain on the parties involved.*

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## **STATUS PERKAHWINAN**

Data Telenisa yang dikumpulkan untuk tahun 2023 turut memaparkan status perkahwinan klien kami. Sebanyak 50% daripada klien kami telah bercerai, diikuti oleh 19% yang sudah berpisah. Kami dapati 16% klien sedang menjalani proses perceraian dan 11% klien masih berkahwin. Manakala klien yang masih bujang adalah 4%.

### **REQUESTED ASSISTANCE**

*Telenisa's data collected for 2023 also shows the marriage status of our clients. Fifty percent of our clients are divorced, followed by 19 % who are separated. We found 16 % of clients are undergoing divorce process and 11% are still married. 4% of clients are single.*

## STATUS PERKAHWINAN / MARITAL STATUS



50%

Bercerai/  
Divorced



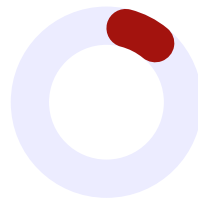
19%

Berpisah/  
Saparated



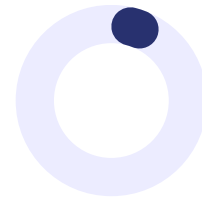
16%

Proses Bercerai/  
In Divorced Process



11%

Berkahwin/  
Married



4%

Bujang/  
Single

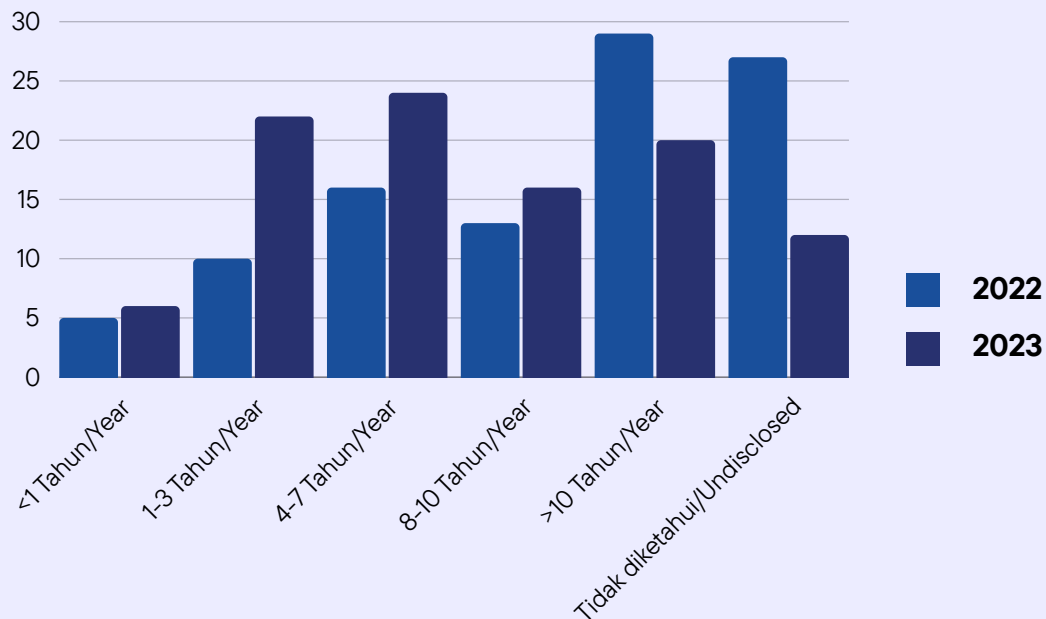
## TEMPOH PERKAHWINAN

Pada 2023, 24% klien sudah berkahwin selama 4 hingga 7 tahun. Seterusnya, 22% klien sudah berkahwin di antara 1 hingga 3 tahun. Diikuti oleh 20% klien yang sudah berkahwin melebihi 10 tahun, manakala 16% klien yang pernah berkahwin selama 8 hingga 10 tahun. Seramai 12% klien tidak mendedahkan tempoh perkahwinan mereka. Klien yang baharu berkahwin kurang dari setahun adalah sebanyak 6%.

### DURATION OF MARRIAGE

*In 2023, 24% of clients have a marriage period of 4 to 7 years. 22% of clients have a marriage period between 1 to 3 years. 20% of clients have been married for more than 10 years. 16% of clients have been married for 8 to 10 years. 12% of clients did not disclose the duration of their marriage. 6% of clients are married in less than a year.*

## TEMPOH PERKAHWINAN/DURATION OF MARRIAGE



## PENGLIBATAN PERKAHWINAN POLIGAMI

Berdasarkan data Telenisa tahun 2023, sejumlah 46 klien (10%) daripada 459 klien berada dalam perkahwinan poligami, dimana 20 klien (4%) adalah isteri pertama dan 19 klien (4%) adalah isteri kedua. Seramai 7 klien (2%) iaitu suami turut menghubungi Telenisa.

Data menunjukkan tiada peningkatan perkahwinan poligami dari tahun 2022. Pada tahun 2021, 51 klien (12%) juga berpoligami, di mana 24 klien (6%) adalah isteri pertama dan 13 klien (4%) lagi adalah isteri kedua. Seramai 14 klien (6%) - suami turut menghubungi Telenisa.

Tiada klien kami yang berstatus isteri ketiga atau keempat direkodkan pada tahun 2022 dan 2023.

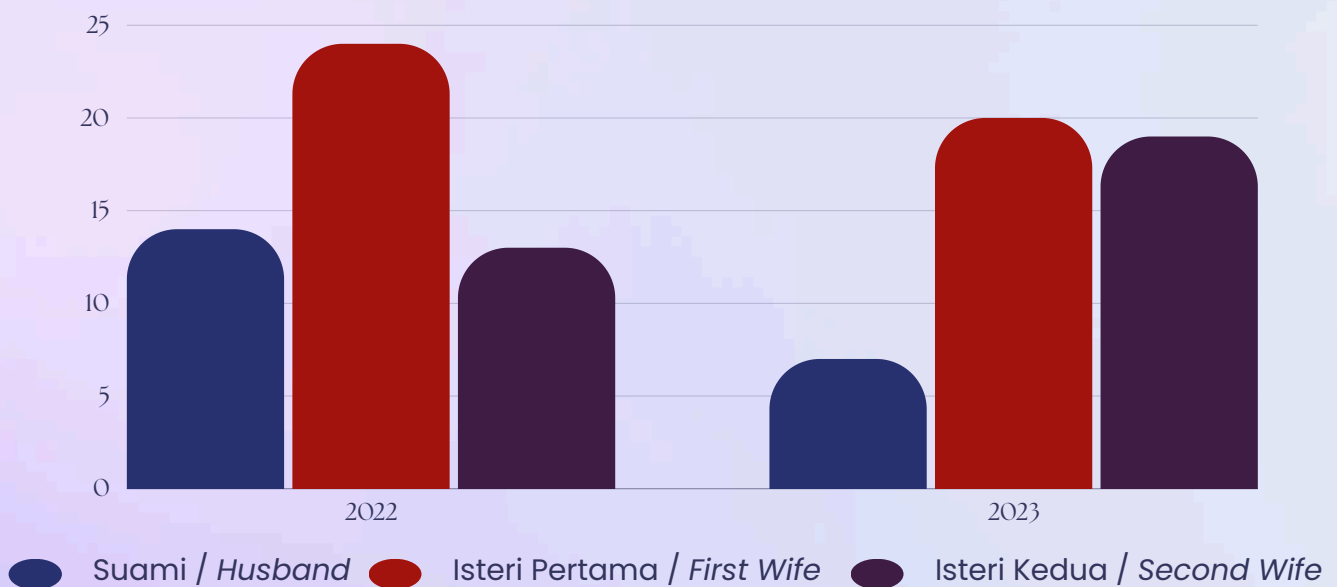


## INVOLVEMENT IN POLYGAMOUS MARRIAGE

In 2023, 46 clients (10%) from the 459 clients were in polygamous marriages. 20 (4%) are first wives and 19 (4%) second wives. Seven (2%) are husbands. Data shows no increase of polygamous marriages from 2022. In 2021, 51 clients (12%) were polygamous, of whom 24 clients (6%) were first wives and 13 clients (4%) were second wives. 14 male clients (6%) also contacted Telenisa on the issue of polygamy.

None of our clients are recorded as third or fourth wives in 2022 and 2023.

## **PERKAHWINAN POLIGAMI / POLYGAMOUS MARRIAGE**

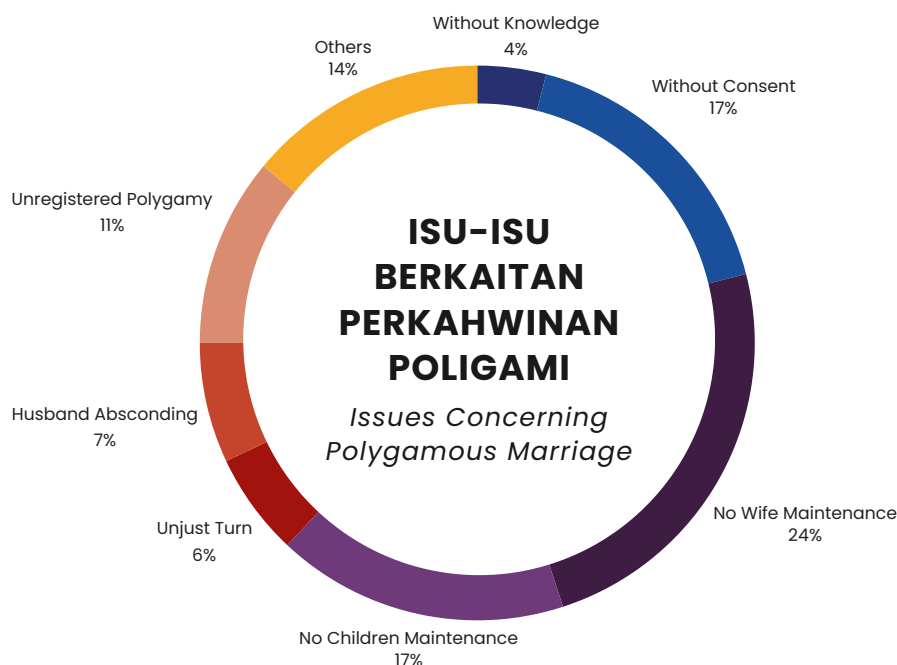


## ISU-ISU BERKAITAN PERKAHWINAN POLIGAMI

Di antara kebimbangan utama yang telah diajukan oleh klien yang berada dalam perkahwinan poligami adalah suami yang tidak membayar nafkah dan peratusan yang direkodkan sebanyak 24%. Isu-isu lain yang telah diadakan termasuklah suami yang tidak memberi nafkah anak dan telah berkahwin tanpa persetujuan isteri, setiap satu direkodkan pada 17%. Selain itu, isu lain-lain adalah 14%, dan poligami yang tidak didaftarkan adalah 11%. Selain itu, ada kes suami yang melarikan diri iaitu 7%, giliran yang tidak adil di antara isteri-isteri dicatat sebanyak 6% dan perkahwinan tanpa pengetahuan isteri pada 3%.

### ISSUES CONCERNING POLYGAMOUS MARRIAGE

*Among the main concerns raised by clients in polygamous marriages are husbands who do not give maintenance, recorded at a percentage of 24%. Other issues raised include husbands who do not provide child maintenance and have been married without the consent of their wives each recorded at 17%. Other issues are recorded at 14%, unregistered polygamy is recorded at 11%. Husbands who absconded are at 7%. Finally, the unjust turn taking between wives is registered at 6% and marriage without the wives' knowledge at 3%.*





02

# HAK ISTERI

*RIGHTS OF THE WIFE*

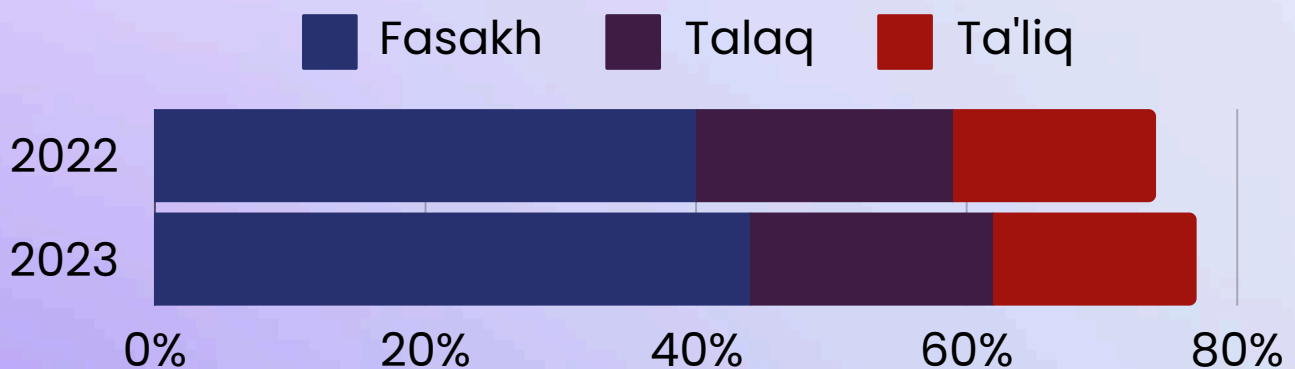
## PERTANYAAN BERKAITAN PERCERAIAN

Tiga pertanyaan utama berkaitan perceraian sepanjang 2023 adalah Fasakh, Talaq dan Ta'liq. Pertanyaan mengenai Fasakh direkodkan tertinggi pada 44%, meningkat daripada 40% yang direkod pada tahun 2022. Pertanyaan berkenaan talaq (di mahkamah) direkodkan sebanyak 18%, manakala ta'liq pula sebanyak 15%. Jadual di bawah adalah perbandingan di antara tahun 2022 dan 2023 untuk tiga pertanyaan utama tersebut .

### DIVORCE INQUIRIES

*The three main questions related to divorce in 2023 are Fasakh, Talaq and Ta'liq. Enquiry about Fasakh is recorded at 44%, which increased from 40% in 2022. Enquiry concerning Talaq (in court) is registered at 18%, while Ta'liq is recorded at 15%. The table below is a comparison between 2022 and 2023 for the three major questions.*

### **Pertanyaan Berkaitan Penceraian / *Divorce Inquiries***

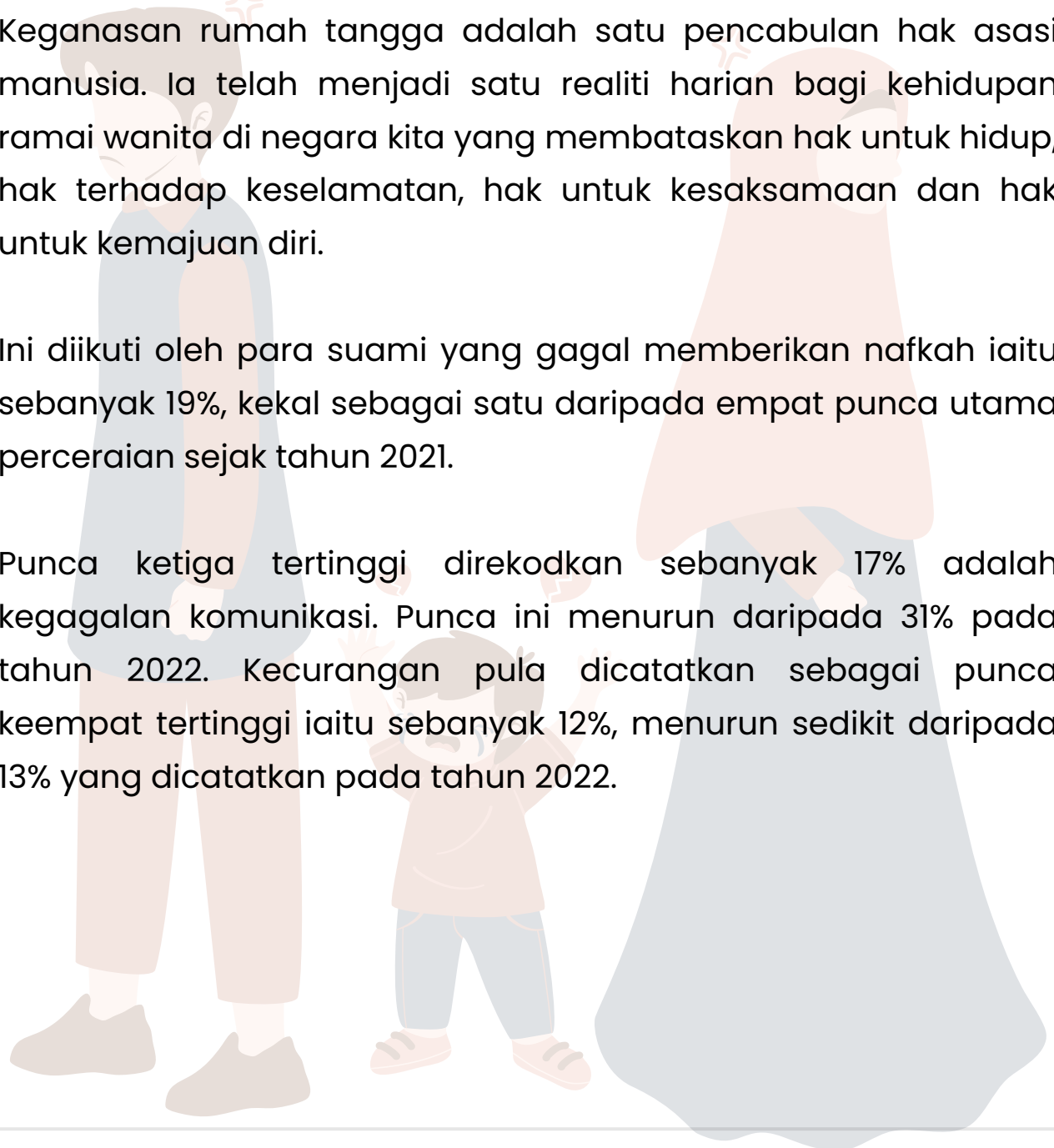


## PUNCA PERCERAIAN

Telenisa telah membuat perbandingan dari tahun 2021 sehingga 2023 untuk mengenal pasti empat punca perceraian tertinggi. Secara keseluruhannya, keganasan rumah tangga adalah punca perceraian tertinggi sepanjang tahun 2023 yang direkodkan sebanyak 20%. Keganasan rumah tangga di sini merujuk kepada corak tingkah laku yang menganiaya yang digunakan oleh satu pasangan untuk memperoleh atau mengekalkan kuasa dan kawalan terhadap pasangannya. Ini boleh menyebabkan tekanan fizikal, seksual, psikologi, sosial dan kewangan. Keganasan rumah tangga adalah satu pencabulan hak asasi manusia. Ia telah menjadi satu realiti harian bagi kehidupan ramai wanita di negara kita yang membataskan hak untuk hidup, hak terhadap keselamatan, hak untuk kesaksamaan dan hak untuk kemajuan diri.

Ini diikuti oleh para suami yang gagal memberikan nafkah iaitu sebanyak 19%, kekal sebagai satu daripada empat punca utama perceraian sejak tahun 2021.

Punca ketiga tertinggi direkodkan sebanyak 17% adalah kegagalan komunikasi. Punca ini menurun daripada 31% pada tahun 2022. Kecurangan pula dicatatkan sebagai punca keempat tertinggi iaitu sebanyak 12%, menurun sedikit daripada 13% yang dicatatkan pada tahun 2022.



## **GROUNDINGS FOR DIVORCE**

Telenisa made a comparison from 2021 to 2023 to identify the four highest causes for grounds of divorce. Overall, domestic violence is the highest grounds of divorce in 2023 at 20%. Domestic violence here is the pattern of abusive behaviour used by one partner to gain or maintain power and control over his or her intimate partner.

This can lead to physical, sexual, psychological, social and financial stress . It is a violation of human rights and has become a day-to-day reality for hundreds of women's lives in our country that limits the right to life, to security, to equality and self-development.

This is followed by husbands who failed to provide maintenance at 19%, where it remained one of four major causes of divorce since 2021.

The third highest recorded cause at 17% is a frequently occurring situation of communication breakdown. This is a decline from 31% in 2022. Infidelity is recorded as the fourth highest cause at 12%, a slight decrease from 13% by 2022.

	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Pertama First</b>	25% Kegagalan Komunikasi Communication Breakdown	31% Kegagalan Komunikasi Communication Breakdown	20% Keganasan Rumah Tangga Domestic Violence
<b>Kedua Second</b>	23% Keganasan Rumah Tangga Domestic Violence	15% Keganasan Rumah Tangga Domestic Violence	19% Suami Tidak Memberi Nafkah Husband Did Not Provide Maintenance
<b>Ketiga Third</b>	20% Suami Tidak Memberi Nafkah Husband Did Not Provide Maintenance	15% Suami Tidak Memberi Nafkah Husband Did Not Provide Maintenance	17% Kegagalan Komunikasi Communication Breakdown
<b>Keempat Fourth</b>	11% Kecurangan Infidelity	13% Kecurangan Infidelity	12% Kecurangan Infidelity

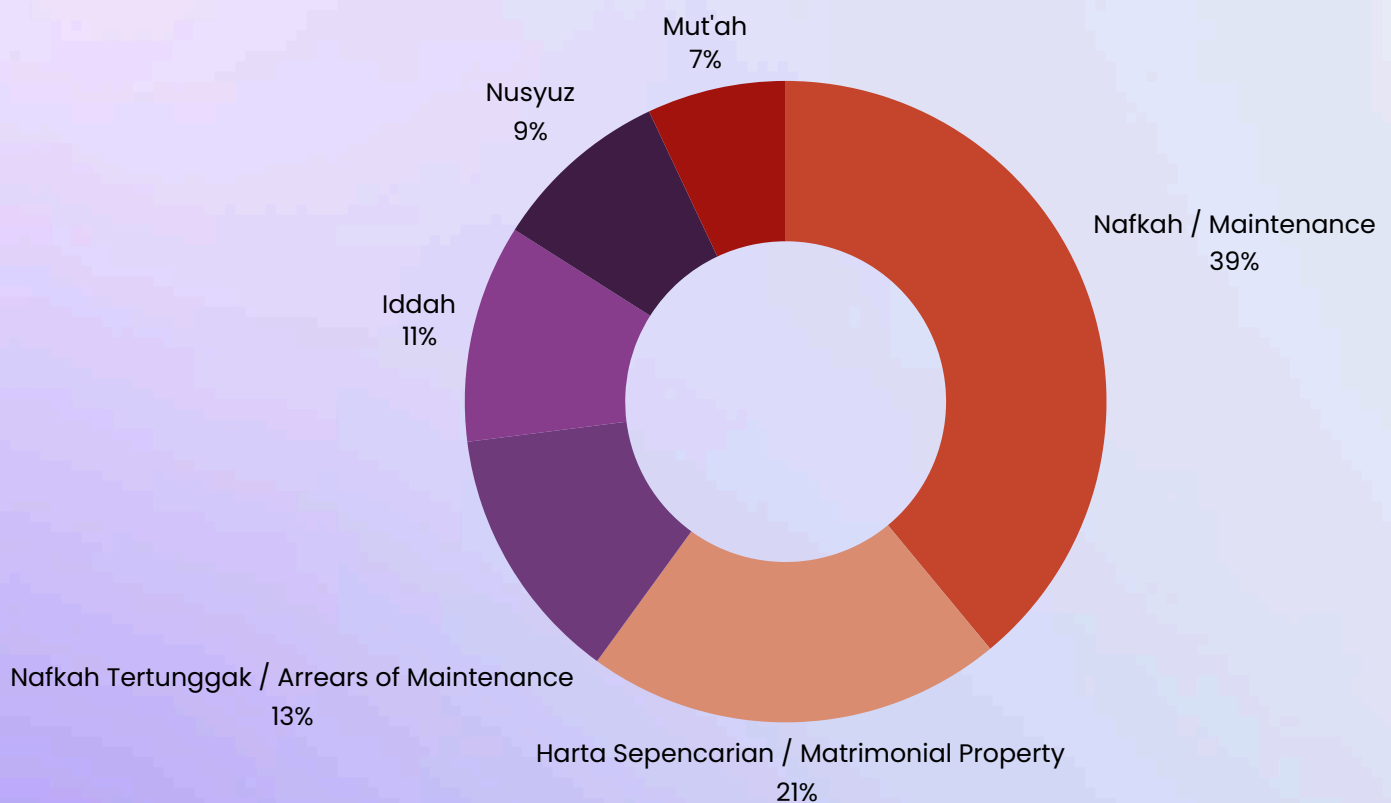
## ISU-ISU BERKAITAN HAK ISTERI

Persoalan berkenaan tuntutan nafkah adalah yang paling kerap ditanyakan oleh klien kami. Sejumlah 52% daripada klien kami ingin tahu tentang tatacara untuk membuat tuntutan nafkah. Daripada jumlah tersebut, 39% tidak pernah memfailkan tuntutan nafkah di Mahkamah Syariah. Manakala 13% lagi telah bertanya tentang tunggakan nafkah isteri yang telah mendapat perintah mahkamah, tetapi suami masih tidak menurut perintah yang telah ditetapkan oleh mahkamah. Selebihnya, 21% bertanyakan tentang harta sepencarian iaitu harta yang diperolehi dalam masa perkahwinan seorang suami dengan isterinya hasil daripada sumber-sumber atau usaha mereka bersama. Seterusnya, pertanyaan berkenaan iddah adalah sebanyak 11%. Nafkah iddah ialah nafkah yang wajib dibayar kepada bekas isteri semasa tempoh iddah selepas perceraian. Isu lain yang sering ditanyakan adalah berkenaan nusyuz, iaitu sebanyak 9%. Nusyuz sering dikaitkan dengan keingkaran dan keengganan isteri terhadap permintaan atau perintah suami. Isu terakhir berkaitan hak isteri adalah Mut'ah (7%). Menurut seksyen 2 Enakmen Undang-Undang Keluarga Islam (Negeri Selangor) 2003, mut'ah ialah bayaran saguhati yang diberi dari segi Hukum Syarak kepada isteri yang diceraikan[1].

[1] seksyen 58 Enakmen Undang-Undang Keluarga Islam (Negeri Selangor) 2003 seterusnya bahawa isteri boleh memohon mut'ah selepas diceraikan tanpa sebab yang patut oleh suaminya.  
*section 58 of the Islamic Family Law (State of Selangor) Enactment 2003 further states that a wife may apply for mut'ah after being divorced without just cause by her husband.*

## ISSUES RELATING TO WIFE RIGHTS

Our clients most frequently ask questions regarding their right to maintenance. Approximately 52% of our clients ask about the procedures for making maintenance claim. Of these, 39% have never filed maintenance claim in Syariah courts. Meanwhile, another 13% asked about arrears of maintenance concerning maintenance orders issued but the husbands still do not comply with the court's order. The remaining 21% inquired about matrimonial property, which refers to the assets acquired during the marriage from joint sources or efforts of the spouses. Next, questions regarding iddah amount to 11%. Iddah maintenance is the obligatory financial support paid to a former wife during the iddah period after divorce. Another frequently asked issue is nusyuz, accounting for 9%. Nusyuz is often associated with a wife's refusals and reluctance towards the request or order of the husband. The final issue concerning the wife's right is Mut'ah (7%). According to Section 2 of the Islamic Family Law (State of Selangor) Enactment 2003, mut'ah is the consolatory gift that is reasonable according to Hukum Syarak to a divorced wife.





## ISU-ISU BERKAITAN NAFKAH ISTERI

Berdasarkan rajah di atas, isu yang sering membelenggu klien kami adalah isu berkaitan nafkah. Sebanyak 43% daripada klien kami mendedahkan bahawa suami mereka tidak memberi nafkah yang mencukupi bagi menampung keperluan anak dan isteri. Suami juga mengharapkan isteri untuk menguruskan keperluan rumah kerana suami tidak memberi wang nafkah yang cukup.

Isu kedua yang isteri perlu hadapi adalah suami yang tidak bekerja dan direkodkan sebanyak 36%. Cabaran besar terhadap institusi kekeluargaan ialah apabila bapa yang biasanya dianggap sebagai ketua keluarga, kehilangan punca pendapatan akibat diberhentikan kerja. Keluarga mengalami kesulitan dalam memenuhi keperluan asas seperti makanan, bekalan elektrik dan sewa rumah. Tambahan pula, klien kami yang tidak bekerja terpaksa mengeluarkan wang simpanan sendiri dan meminjam wang ahli keluarga dan sahabat handai terdekat untuk meneruskan hidup.

Isu ketiga yang direkodkan adalah pelanggaran perintah mahkamah oleh suami atau bekas suami berkenaan nafkah (17%). Ramai suami masih gagal mematuhi perintah nafkah anak sebagaimana yang diperintahkan oleh mahkamah. Antara kekangan yang dihadapi oleh isteri ialah tidak mahu lagi melalui sistem mahkamah yang memerlukan pemfailan perintah sampingan lain sekadar untuk mendapatkan jumlah nafkah yang kecil. Klien merasakan satu bebanan untuk sentiasa mengejar suami bagi menuntut pembayaran nafkah. Apabila perintah telah dikeluarkan, suami dengan sengaja menyekat nombor telefon isteri bagi mengelakkan isteri bertanya tentang

perintah nafkah tersebut. Ada juga yang mengambil langkah lebih drastik dengan menukar tempat kerja dan berpindah rumah bagi mengelak bertemu dengan isteri.

Isu keempat yang berkait rapat dengan nafkah ialah suami tidak langsung memberikan nafkah, direkodkan sebanyak 2%. Dalam situasi ini, isteri terpaksa menanggung sepenuhnya perbelanjaan rumah tangga seperti sewa rumah, bil utiliti, pakaian, minuman dan makanan. Ada juga klien yang mengadu suaminya hanya akan membuat pembayaran bil utiliti setelah mendapat notis terakhir.

Aduan lain-lain yang terkait dengan isu isteri pula adalah sebanyak 2%. Salah satu contoh isu lain-lain adalah suami mengawal kewangan isteri dengan memegang kad bank isteri. Isteri memberikan kepercayaan penuh kepada suami untuk menguruskan hal kewangan. Ada juga kes di mana ibu mertua yang memegang wang yang telah diberikan oleh suami dan bertanggungjawab mengagihkan perbelanjaan tersebut untuk rumah, isteri dan cucu.

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## ISSUES REGARDING WIFE MAINTENANCE

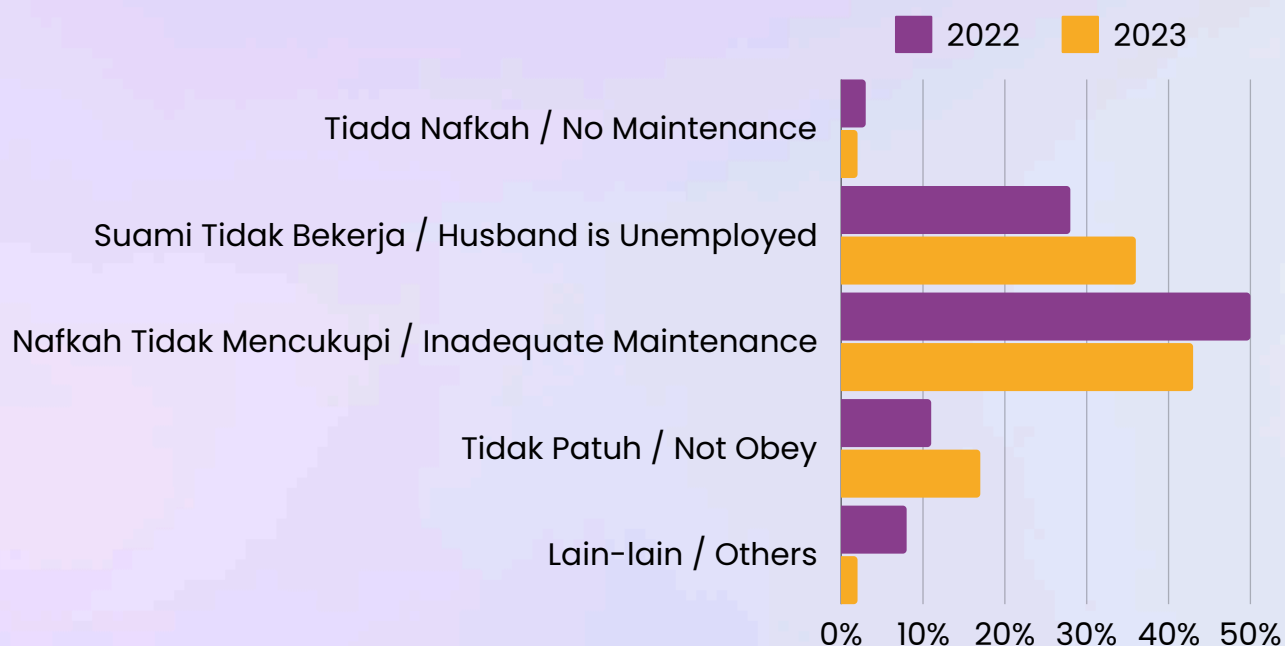
Based on the diagram below, the issue that frequently troubles our clients relates to maintenance. 43% of our clients have revealed that their husbands do not provide adequate maintenance to cover the needs of the children and the wife. The husband also expects the wife to manage household expenses with the inadequate maintenance provided.

The second issue that clients raise concern about is unemployed husbands, recorded at 36%. A significant challenge to family institutions occurs when the father, who is regarded as the head of the family, loses his source of income as a result of being terminated. The family will struggle to meet basic needs such as food, electricity supply and rent. Additionally, our clients who are unemployed are forced to use their own savings and borrow money from family members and close friends to sustain their livelihood.

The third issue recorded is the violation of court orders by the husbands or former husbands concerning payment of maintenance (17%). Many husbands still fail to comply with court orders for child maintenance. Among the constraints faced by wives is their reluctance to go through the court system again that requires filing other additional interim applications just to obtain a minimal amount of maintenance. Clients feel burdened by the constant need to chase their husbands for maintenance payments. When orders are issued, husbands deliberately block their wives' phone number to avoid inquiries about the maintenance order. Some take more drastic steps by changing workplaces and moving houses to avoid meeting wives.

The fourth issue closely related to maintenance is that the husband does not directly provide maintenance, recorded at 2%. In this situation, the wife is forced to bear the entire household expenses such as rent, utilities, clothing, beverages and food. There are also clients who complain that their husbands will only pay the utility bills after receiving the final notice.

Other complaints relevant to wives' issues are at 2%. One example of other such issues is when the husband controls the wife's finances by holding her bank card. The wife trusts her husband completely to manage financial matters. There are also cases where the mother-in-law holds the money given by the husband and is responsible for distributing the expenses for the household, wife and grandchildren.



## CABARAN PEREMPUAN UNTUK MENUNTUT NAFKAH

Perempuan di Malaysia menghadapi pelbagai cabaran apabila memfailkan kes nafkah di mahkamah Syariah. Antara cabaran utama ialah proses birokrasi yang kompleks, kesukaran mendapatkan bukti yang mencukupi serta kekurangan sokongan dan pemahaman dalam masyarakat.

Proses birokrasi yang rumit dan panjang sering menjadi halangan utama bagi perempuan yang ingin menuntut nafkah. Mereka perlu mengisi pelbagai borang, menghadiri beberapa sesi perbicaraan, dan kadang kala menghadapi penangguhan kes. Ini boleh menimbulkan tekanan emosi dan fizikal, terutama bagi perempuan yang mungkin tidak mempunyai pengetahuan mendalam tentang prosedur undang-undang. Selain itu, perempuan yang tidak mampu mendapatkan khidmat guaman menghadapi cabaran tambahan kerana perlu mengendalikan kes mereka sendiri tanpa bantuan profesional.

Memfailkan kes nafkah memerlukan bukti yang kukuh, seperti penyata kewangan, rekod pendapatan suami, dan bukti perbelanjaan harian. Bagi sesetengah perempuan, mendapatkan bukti ini adalah amat sukar, terutamanya jika suami mereka tidak bekerjasama atau cuba menyembunyikan pendapatan sebenar mereka. Situasi ini menjadikan proses menuntut nafkah lebih mencabar dan memerlukan usaha tambahan untuk memastikan hak mereka terjamin.

Kekurangan sokongan dan pemahaman dalam masyarakat turut memburukkan lagi keadaan. Sesetengah perempuan mungkin merasa malu atau takut untuk menuntut nafkah kerana

bimbang akan stigma sosial atau kritikan dari keluarga dan rakan-rakan. Masyarakat yang tidak memahami hak perempuan dalam perkahwinan dan perceraian sering kali tidak memberikan sokongan moral yang diperlukan, menjadikan perempuan tersebut merasa terpinggir dan terasing.

Dalam kes Suriati binti Othman lwn Abdul Ghani bin Yusuf[2], pasangan telah berkahwin pada 2hb Mei 2014 dan bercerai pada 7hb Ogos 2014. Dalam tempoh perkahwinan tersebut, defendan telah gagal memberi nafkah kepada plaintif bermula Mei 2014 sehingga Ogos 2014, walau bagaimanapun tiada sebarang perintah nafkah dikeluarkan akibat ketidakpatuhan itu. Setelah dua tahun berlalu iaitu pada Februari 2016, plaintif telah memfailkan tuntutan tunggakan nafkah dan di akhir perbicaraan, mahkamah telah memerintahkan supaya defendan membayar nafkah tertunggak selama tiga bulan iaitu sebanyak RM15,000. Defendan diperintahkan untuk membayarnya secara ansuran sebanyak RM300 sebulan bermula dari bulan Januari 2019 sehingga selesai.

Berdasarkan artikel yang diterbitkan oleh Harian Metro pada 15 Mei 2024[3] berkenaan isu suami yang culas dalam membayar perintah nafkah;

"Ramai bekas isteri teraniaya kerana tidak mengetahui bahawa mereka boleh hadir ke mahkamah untuk memohon supaya perintah nafkah (menghina mahkamah) itu dikuatkuasakan sekiranya bekas suami gagal patuh (culas bayar nafkah)."

[2]No. Kes Mal: 07003-023-0781-2016 Mahkamah Rendah Syariah Seberang Perai Tengah, Pulau Pinang

[3]<https://www.hmetro.com.my/mutakhir/2024/05/1090548/bekas-suami-abai-bayar-nafkah-dianggap-menghina-mahkamah>

Bekas suami atau bapa yang ingkar melunaskan nafkah yang diperintahkan mahkamah Syariah boleh didakwa atas kesalahan menghina mahkamah.

Pengarah Jabatan Pendakwaan Syariah Negeri Terengganu, Wan Abd Malik Wan Sidek berkata, tindakan penguatkuasaan seperti penjara dan denda boleh dikenakan terhadap bekas suami yang mengabaikan perintah mahkamah tanpa alasan kukuh, di bawah Seksyen 11 Enakmen Kesalahan Jenayah Syariah (Takzir) (Terengganu) 2001.

## CHALLENGES WOMEN FACE TO CLAIM MAINTENANCE

Women in Malaysia face various challenges when filing maintenance cases in the Syariah Court. Among the main challenges are complex bureaucratic processes, difficulty in obtaining adequate evidence, and lack of support and understanding in society.

The complicated and lengthy bureaucratic process often serves as the major barrier for women seeking to claim maintenance. They need to fill out various forms, attend multiple court sessions, and sometimes face case postponements. This can lead to emotional and physical stress, especially for women who may not have profound knowledge of legal procedures. Additionally, women who cannot afford legal representation face additional challenges as they have to handle their own cases without professional assistance.

Filing for maintenance requires strong evidence, such as financial statements, husband's income records, and proof of daily expenses. For some women, obtaining this evidence is extremely difficult, especially if their husbands do not cooperate or attempt to conceal their true income. This situation makes the process of claiming maintenance more challenging and requires additional efforts to ensure their rights are protected.

The lack of support and understanding in society further exacerbates the situation. Some women may feel ashamed or afraid to claim maintenance due to concerns about social stigma or criticism from family and friends. Societies do not understand women's rights in marriage and divorce often fail to provide necessary moral support, leaving them feeling marginalized and isolated.

In the case of Suriati binti Othman lwn Abdul Ghani bin Yusuf, the couple were married on May 2, 2014 and divorced on August 7, 2014. During the marriage, the defendant failed to provide maintenance to the plaintiff from May 2014 to August 2014, however no maintenance order was issued due to this negligence. After two years, in February 2016, the plaintiff filed a claim for arrears of maintenance. At the end of the trial, the court ordered the defendant to pay



*the outstanding three months maintenance amounting to RM15,000. The defendant was ordered to pay it in installments of RM300 per month, starting from January 2019 until completion.*

*Based on an article published by the Harian Metro on May 15, 2024, regarding the issue of husbands being negligent in paying maintenance orders:*

*"Many ex-wives suffer because they are unaware that they can go to court to request enforcement of a maintenance order if their ex-husband fails to comply ." (SIS' editor's verbatim translation)."*

*Former husbands or fathers who refuse to pay maintenance as ordered by the Syariah court can be prosecuted for contempt of court .*

*The Director of the State Syariah Prosecution Department of Terengganu, Wan Abd Malik Wan Sidek, stated that enforcement measures such as imprisonment and fines could be imposed on former husbands who disregard court orders without a valid reason, under Section 11 of the Enactment of Syariah Criminal Offences (Takzir) (Terengganu) 2001.*



# 03

## **HAK ANAK**

*RIGHTS OF THE CHILD*

## UMUR ANAK

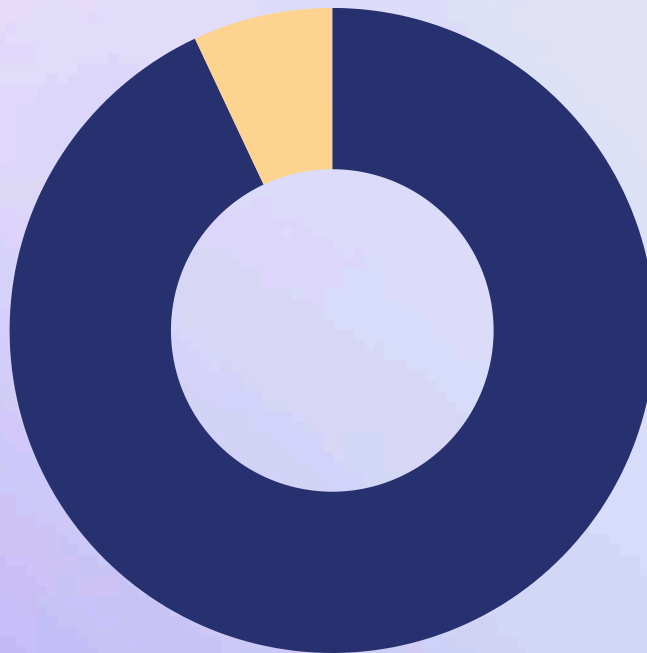
Sepanjang tahun 2023, sejumlah 251 anak telah terjejas kehidupan mereka disebabkan pelbagai masalah ibu bapa yang tidak dapat diselesaikan. Daripada jumlah tersebut, seramai 233 (93%) anak direkodkan berumur bawah 18 tahun manakala 18 anak lagi iaitu 7% berusia lebih 18 tahun.

### CHILD AGE

*In 2023, 251 children have been affected in their lives due to various unresolved parental issues. Of this total, 233 (93%) children were recorded as under 18 years old while 18 were aged 18 and above.*

Anak berumur melebihi 18 tahun / Children above 18

7%



Anak berumur bawah 18 tahun / Children below 18

93%

## ISU BERKAITAN ANAK

Isu yang berkait rapat dengan anak yang sering diajukan klien adalah nafkah anak sebanyak 47%. Isu ini dibahagi kepada dua iaitu:-

- 42 % berkenaan nafkah anak; dan
- 5% lagi berkaitan nafkah anak yang tertunggak.

Seterusnya, isu kedua tertinggi adalah berkenaan isu hak jagaan anak (hadhanah) dicatat sebanyak 41%. Ini diikuti oleh isu anak tidak sah taraf sebanyak 8%.

Isu-isu lain sebanyak 4% berkait rapat dengan:-

- isu perwalian sebanyak 3%; dan
- isu kelahiran anak yang tidak didaftarkan pada 1%.

## CHILDREN'S ISSUES

*One of the most frequently raised issues by clients regarding children is child maintenance, which still records the highest percentage at 47%. The issue is divided into two parts:-*

- *42% concerns child maintenance; and*
- *5% pertains to arrears of maintenance.*

*The second most prevalent issue is child custody rights recorded at 41%. This is followed by 8% concerning the status of illegitimate children .*

*Other related issues account for 4%:-*

- *guardianship issues at 3%; and*
- *unregistered births 1%.*

■ Isu anak / Children's issue

Nafkah / *Maintenance*

64 case (42%)

Hak Jagaan / *Custody*

63 case (41%)

Anak Tak Sah Taraf / *Illegitimate Children*

12 case (8%)

Perwalian / *Guardianship*

5 case (3%)

Nafkah Tertunggak / *Arrears Maintenance*

8 case (5%)

Kelahiran Anak yang tak Didaftarkan / *Unregistered Birth*

1 case (<1%)

0 10 20 30 40 50 60 70

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## ISU-ISU BERKAITAN NAFKAH ANAK

Antara punca timbulnya pelbagai isu berkenaan nafkah anak adalah disebabkan oleh bapa yang gagal menyediakan nafkah yang mencukupi (47%), diikuti oleh bapa yang tiada pekerjaan (27%), dan bapa yang melanggar perintah mahkamah (9%).

Isu-isu lain direkodkan sebanyak 17% dan isu seperti bapa yang langsung tidak memberi nafkah adalah sebanyak (7%), perintah tidak dapat diberikan pada bapa 5% dan akhir sekali, isu-isu lain 5%.

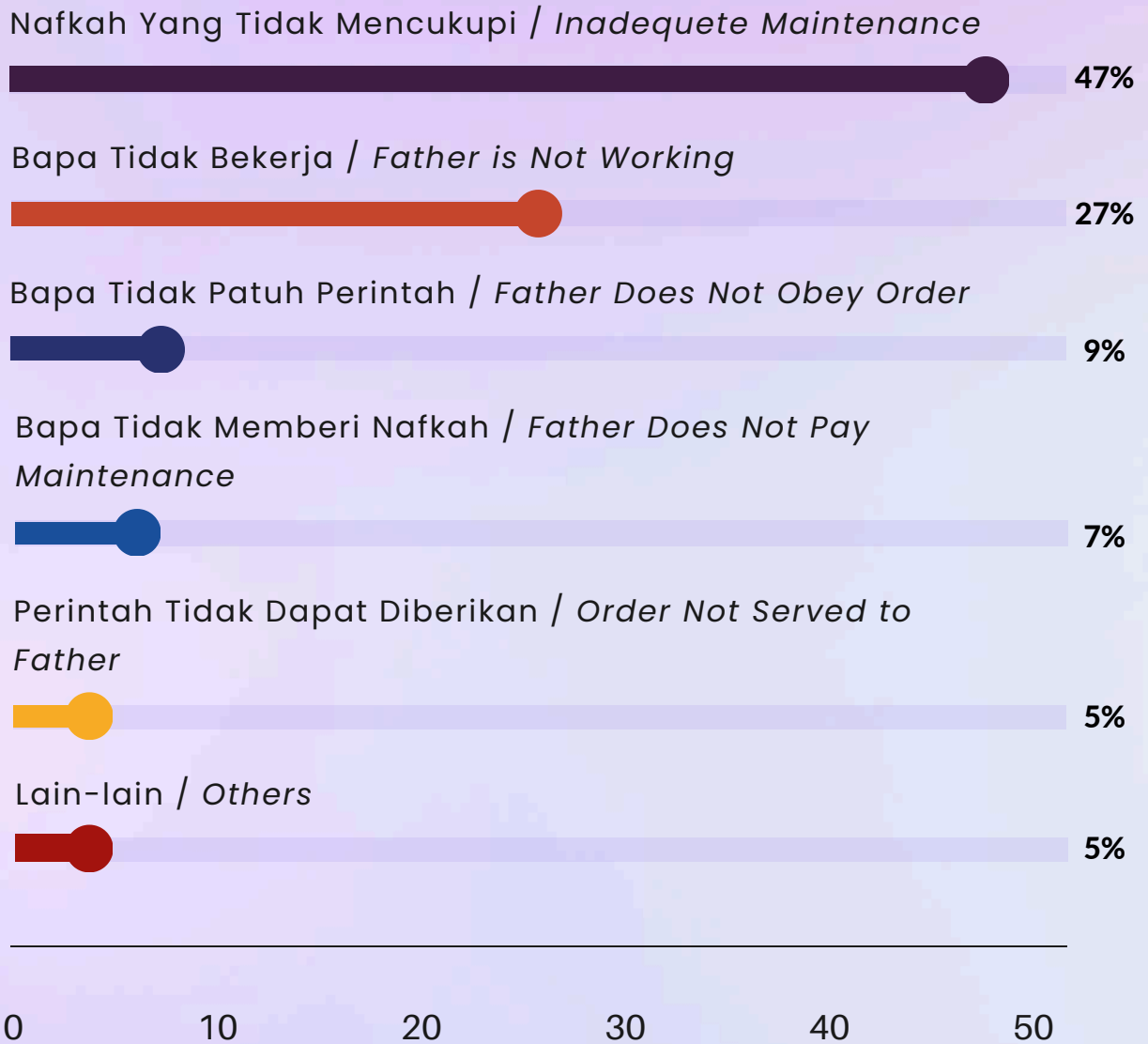
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### ISSUES RELATED TO CHILD CUSTODY

*Among the causes leading to various issues concerning child maintenance, the primary reasons include fathers failing to provide adequate child support (47%), followed by fathers without employment (27%), and fathers violating court orders (9%).*

*Other issues account for 17% and issues of fathers completely failing to provide any maintenance amount is (7%). Court orders cannot be enforced against fathers is 5% of cases and finally, other issues make up 5%.*

# Isu Nafkah Anak / Child Maintenance Issues



## ISU BERKAITAN HAK JAGAAN ANAK

Sepanjang tahun 2023, kami dapati tiada klien memetik isu pertikaian hak jagaan. Walau bagaimanapun, isu berkaitan hak lawatan merupakan isu utama yang ditanyakan klien iaitu sebanyak 47%.

Sementara itu, isu pemelarian anak yang direkodkan sebanyak 35% adalah amat membimbangkan. Ini merupakan peningkatan yang tinggi semenjak 2022. Biasanya, kes-kes ini berlaku selepas perceraian atau perpisahan antara pasangan, di mana salah seorang ibu atau bapa mengambil tindakan sesuka hati membawa anak mereka lari tanpa persetujuan atau pengetahuan pihak yang satu lagi. Tindakan ini bukan sahaja melanggar perintah mahkamah tentang hak penjagaan anak yang sah, tetapi juga boleh memberi kesan psikologi yang mendalam kepada kanak-kanak terbabit. Kes seperti ini sering kali memerlukan campur tangan pihak berkuasa dan sistem perundangan bukan sahaja untuk mengembalikan hak penjagaan kepada pihak yang sepatutnya malah memastikan keselamatan serta kebajikan kanak-kanak terjamin.

Di Malaysia, undang-undang berkaitan penculikan kanak-kanak oleh ibu bapa adalah jelas di bawah Akta Kanak-Kanak 2001 dan Akta Keadilan Jenayah. Pihak berkuasa seperti Polis Diraja Malaysia memainkan peranan penting untuk menangani kes-kes ini. Namun begitu, proses penyelesaian kes ini sering kali rumit dan memakan masa, terutamanya jika melibatkan negara lain apabila ibu atau bapa yang telah menculik anak melarikan diri ke luar negara. Usaha berterusan dan kerjasama antarabangsa



adalah penting untuk menangani isu ini dengan berkesan, serta memastikan kanak-kanak yang menjadi mangsa penculikan dapat dikembalikan kepada persekitaran yang selamat dan stabil.

Pada tahun 2023, sebanyak 18% daripada klien kami telah mengangkat satu isu baharu berkaitan hak jagaan anak, iaitu isu dimana anak-anak tidak mahu berjumpa dengan bapanya walaupun perintah mahkamah telah memberikan akses kepada bapa untuk hak bermalam. Ini menyebabkan klien Telenisa berasa gusar kerana risau pihak mantan suami akan memfailkan kes melanggar perintah mahkamah terhadapnya.

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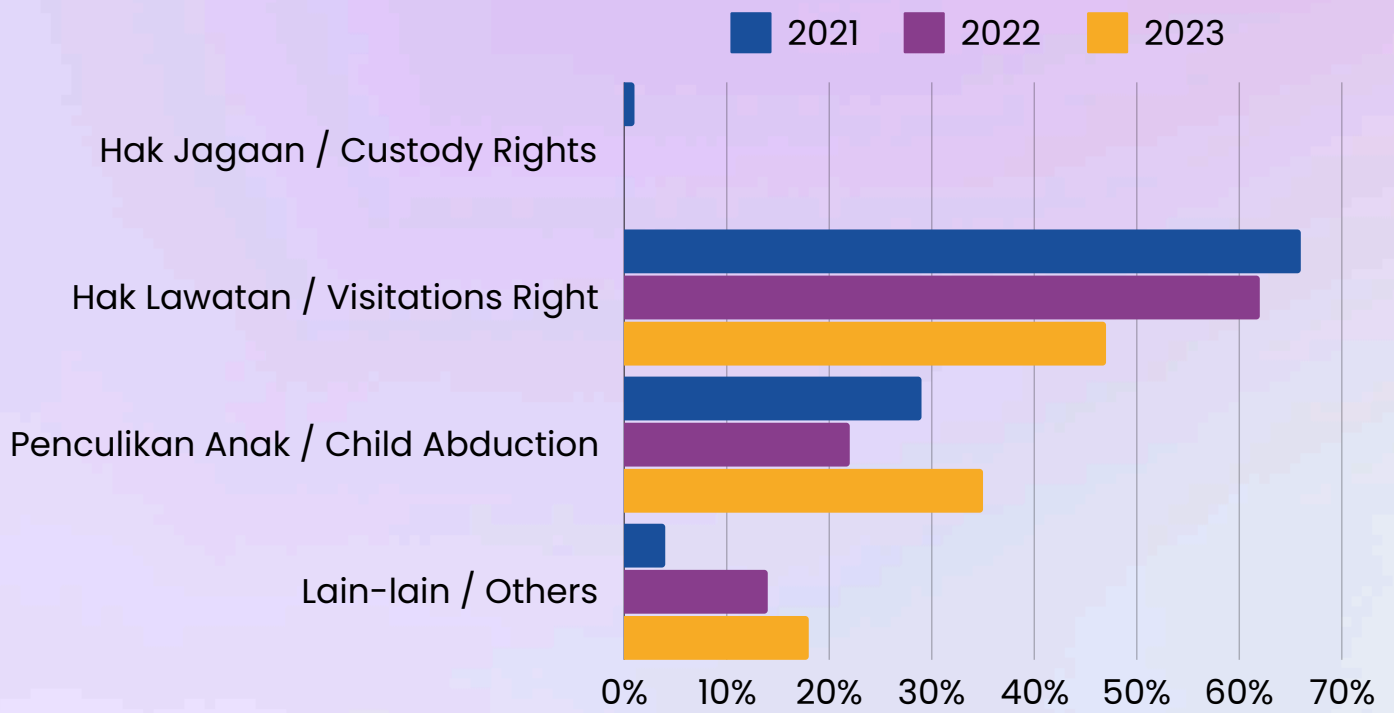
## ISSUES RELATED TO CHILD CUSTODY

Throughout the year 2023, we found no clients raised issues related to custody disputes. However, issues related to visitation rights are the main concern raised by clients, amounting to 47%.

Meanwhile, the issue of child abduction recorded at 35% is deeply concerning. This marks a significant increase from 2022. Typically, these cases occur after divorce or separation between couples, where one unilaterally takes away their child without the consent or knowledge of the other party. This act not only violates court orders regarding lawful custody rights but can also have profound psychological effects on the children involved. Such cases often require intervention by authorities and the legal systems not only to restore custody rights to the rightful party but also to ensure the safety and well-being of the children.

In Malaysia, the laws related to child abduction by parents are clear under the Child's Act 2001 and the Criminal Justice Act. Authorities such as the Royal Malaysian Police play an important role in handling these cases. Nevertheless, the process of resolving these cases is often complicated and time-consuming, especially if it involves other countries when the abducting parents flee abroad. Continued efforts and international cooperation are essential to address this issue effectively, as well as ensuring that children who are victims of abduction can be returned to a safe and stable environment.

In 2023, 18% of our clients raised a new issue related to child custody, specifically concerning situations where children refuse to meet their father even though the court grants him overnight access. This has caused concern among our clients as they fear their ex-husbands may file contempt of court cases against them.



## NAFKAH ANAK

Masalah nafkah anak di Malaysia khususnya di mahkamah Syariah, merupakan isu yang sering kali menjadi topik perbincangan hangat. Nafkah anak adalah tanggungjawab ibu bapa untuk memastikan keperluan asas anak-anak mereka termasuk makanan, pakaian, tempat tinggal, pendidikan, dan kesihatan, dipenuhi. Walau bagaimanapun, dalam kes perceraian, terutamanya di kalangan pasangan Muslim, isu ini sering kali menimbulkan pertikaian yang memerlukan campur tangan Mahkamah Syariah untuk menyelesaikannya. Banyak kes menunjukkan bahawa ibu bapa, terutamanya bapa, gagal memenuhi kewajipan mereka terhadap nafkah anak selepas perceraian.

Di mahkamah Syariah, prosedur untuk menuntut nafkah anak boleh menjadi proses yang panjang dan memakan masa. Walaupun undang-undang telah memperuntukkan hak anak untuk menerima nafkah, pelaksanaannya sering kali berdepan dengan pelbagai cabaran. Ibu yang mendapat hak jagaan anak terpaksa melalui proses perundangan yang rumit untuk mendapatkan perintah nafkah daripada bapa yang enggan atau gagal membayar. Mahkamah perlu memastikan bahawa keputusan yang diberi mestilah adil dan mengambil kira keperluan anak-anak serta kemampuan kewangan bapa yang berkenaan.

Tambahan pula, terdapat kes-kes di mana bapa menggunakan pelbagai taktik untuk mengelak daripada membayar nafkah anak, seperti mengurangkan pendapatan secara sengaja atau berpindah tempat tinggal tanpa memberitahu bekas isteri.

Ini menyebabkan ibu yang menjaga anak-anak mengalami tekanan kewangan yang serius. Oleh itu, mahkamah Syariah perlu lebih tegas dalam memastikan perintah nafkah dipatuhi, termasuklah mengenakan hukuman yang lebih berat kepada bapa yang gagal memenuhi tanggungjawab mereka.

Di samping itu, kesedaran masyarakat tentang kepentingan nafkah anak juga perlu dipertingkatkan. Ramai ibu bapa yang tidak memahami hak-hak mereka dan prosedur yang perlu dipenuhi untuk menuntut nafkah anak. Program pendidikan dan kesedaran yang lebih meluas boleh membantu ibu bapa memahami tanggungjawab mereka dan cara-cara untuk mendapatkan bantuan perundangan. Dengan adanya kesedaran yang lebih tinggi, lebih ramai ibu bapa akan bersedia untuk memenuhi tanggungjawab mereka dan mengambil tindakan yang perlu jika hak-hak anak mereka diabaikan.

Akhir sekali, sokongan daripada pihak berkuasa dan institusi kebajikan juga penting dalam menangani masalah nafkah anak. Ini termasuk menyediakan bantuan kewangan sementara untuk ibu yang terpaksa menunggu keputusan mahkamah, serta sokongan psikologi untuk anak-anak yang terkesan akibat ketegangan antara ibu bapa mereka. Dengan pendekatan yang menyeluruh dan kolaboratif, masalah nafkah anak di Malaysia boleh ditangani dengan lebih berkesan, dan memastikan kebajikan dan masa depan anak-anak terjamin.

## CHILD MAINTENANCE

*The issue of child welfare in Malaysia, especially in the Syariah Court, is often a hot topic of discussion. It is the responsibility of parents to ensure that their children's basic needs, including food, clothing, shelter, education, and health, are met. However, in cases of divorce, especially among Muslim couples, these issues often raise disputes that require the intervention of the Syariah Court to resolve them. Many cases indicate that parents, especially fathers, failed to meet their obligations to pay and support their children after the divorce has occurred.*

*In Syariah courts, the procedures to claim for child maintenance can be lengthy and time-consuming. Although the law has provided for the rights of a child to receive livelihood, its implementation faces many challenges. A mother who has a custodial right has to go through complicated legal processes to obtain a maintenance order from a father who refuses or fails to pay. The court must ensure that the decision is fair and takes into account the needs of the children and the financial capabilities of the parents concerned.*

*In addition, there are cases where fathers use various tactics to avoid paying for their children's support, such as deliberately reducing income or moving home without informing the ex-wife. This has caused the mother who cares for the children to suffer a serious financial strain. Therefore, the Syariah courts should be firmer in ensuring that the order is obeyed, including imposing a harsher punishment on fathers who fail to fulfil their responsibilities.*

*We need to raise public awareness on the importance of child maintenance. Many parents do not understand their rights and the procedures to claim their child's livelihood. A broader education and awareness program can help parents understand their responsibilities and how to obtain legal assistance. With greater awareness, more parents are willing to fulfil their responsibilities and take the necessary actions should their children's rights be neglected.*

*Finally, the support of authorities and welfare institutions is also important in dealing with child maintenance. This includes providing temporary financial*

*assistance to mothers who have been forced to wait for a court ruling, as well as psychological support for children who are affected by tensions between their parents. With a comprehensive and collaborative approach, children's livelihoods in Malaysia can be addressed more effectively, ensuring the well-being and future of children.*

## **Maintenance and Divorce Issues: a Detailed Analysis**

Since 2021, 19% of husbands have failed to provide maintenance, which remains one of the four major causes of divorce. Clients frequently inquire about their right to maintenance, with approximately 52% seeking information on the procedures for making a maintenance claim.

In Islam, a father is responsible to maintain his children. The responsibility is provided in

Surah al-Baqarah: 233 to the effect:

“...But he (the father) shall bear the cost of their food and clothing on equitable terms...” In another verse.

**“Let the man of means spend according to his means; and the man whose resources are restricted; Let him spend according to what Allah has given.”**

Meanwhile in a hadith narrated by Aishah that—

Hindun binti Utbah said: “O Rasulullah, Abu Sufyan is a stingy man. He did not give my children and me sufficient amount of maintenance unless I took it out of his knowledge.”

Rasulullah said, **“Take what is sufficient for you and your family in a good manner.”**



# Detailed Analysis of Issues Faced by Our Clients

## **Our Key Findings:**

### **1. Maintenance as a Cause of Divorce:**

- *Husbands failing to provide maintenance is a significant issue, accounting for 19% of divorce cases since 2021.*

### **2. Client Inquiries on Maintenance:**

- **Right to Maintenance:** 52% of clients inquire about procedures for making a maintenance claim.
- **Non-Filing in Syariah Courts:** 39% have never filed a maintenance claim in Syariah courts.
- **Non-Compliance with Court Orders:** 13% inquire about arrears of maintenance where husbands do not comply with court orders.
- **Matrimonial Property:** 21% of clients inquire about assets acquired during marriage.
- **Iddah Maintenance:** 11% of inquiries relate to financial support during the iddah period post-divorce.
- **Nusyuz Issues:** 9% of inquiries pertain to nusyuz, or a wife's refusal of a husband's request.
- **Mut'ah Issues:** 7% of inquiries relate to mut'ah, a mandatory token given by the husband to the former wife.

## Maintenance Claims

### **1. Insufficient Maintenance:**

- 43% of clients report that husbands provide inadequate maintenance, sometimes as low as 50 Ringgit.
- Wives are expected to manage household expenses with the insufficient amount provided.

## **2. Unemployed Husbands:**

- *36% of clients report issues with husbands who are unemployed, leading to financial difficulties in meeting basic needs.*
- *Wives often must use savings or borrow money from family and friends to sustain their livelihood.*

## **3. Non-Compliance with Court Orders:**

- *17% of cases involve husbands failing to comply with court orders for child maintenance.*
- *Wives feel burdened by the need to chase husbands for payments and sometimes husbands take drastic steps to avoid paying.*

## **4. Direct Non-Provision of Maintenance:**

- *2% of cases involve husbands not providing maintenance directly, forcing wives to bear all household expenses.*
- *Some husbands provide expenses only intermittently, creating financial instability for the wives.*

## **5. Other Issues:**

- *2% of cases involve other issues such as husbands controlling wives' finances or mothers-in-law managing household funds.*

## **Recommendations for Addressing Maintenance Issues**

Based on the findings from our clients, we recommend the following measures to address common issues related to wife maintenance effectively:

### **1. Education and Awareness:**

- Conduct workshops and seminars regularly to educate couples about their rights and responsibilities concerning maintenance.
- Provide clear and accessible information on the legal procedures for filing maintenance claims and understanding court orders.

### **2. Enhanced Legal Support:**

- Offer legal aid services to assist wives in filing maintenance claims and following up on court orders.
- Simplify the reporting process for non-compliance with maintenance orders to minimize the need for additional interim applications.

### **3. Stricter Enforcement:**

- Strengthen enforcement mechanisms to ensure compliance with court-ordered maintenance payments.
- Establish a dedicated task force to track and penalize individuals who evade maintenance obligations by changing jobs or residences.

### **4. Financial Assistance Programs:**

- Develop financial assistance programs for unemployed husbands to help them secure employment and fulfil their maintenance duties.
- Provide temporary financial support to wives struggling with household expenses due to non-compliance by their spouses.

## **5. Mediation and Counselling Should be made mandatory:**

- *Encourage mediation and counselling services for couples facing maintenance disputes to resolve issues amicably.*
- *Offer continuous support and follow-up sessions to ensure compliance and address ongoing challenges.*

## **6. Community Support Networks:**

- *Foster community support networks to provide emotional and financial assistance to wives facing maintenance issues.*
- *Engage community leaders and organizations to advocate for better maintenance compliance and support affected families.*

### **Recommendations for a Child Maintenance/Support Agency:**

*In Malaysia, child maintenance is assessed according to the means and needs of the parties involved, as provided by the Islamic Family Law (Federal Territories) Act 1984. However, the elements of means and needs are not detailed under the Act. There are issues regarding the maximum age of a child entitled to maintenance, and the need for harmonized provisions between Syariah and Civil law.*

- **Current Law:**

*: According to the Islamic Family Law (Federal Territories) Act 1984, child maintenance should be assessed based on the means and needs of the parties involved (Section 61). However, these elements are not detailed under the Act.*

- **Age of Responsibility:**

*Islamic Family Law allows claims for educational expenses at Syariah court if the child is pursuing tertiary education.*

- **Existing Policies:**

*The Family Support Division (BSK) under the Syariah Judiciary Department Malaysia (JKSM) assists single mothers for interim maintenance when the financier of maintenance neglects the court order. However, there is no specific method for determining the maintenance amount required for a decent standard of living. This department alone is not sufficient for the sheer number of women facing issues.*

*Since 2005 (NST, 9 November) Sisters in Islam has urged and still urges the Government to conduct a comprehensive study of various child support systems already implemented in several countries to work out the best system for the Malaysian context. Errant parents should not be allowed to go on evading their responsibilities without any punitive action taken for the damage done to their children. It is pertinent for Malaysia to establish a Child Support Agency.*

*Studies have shown that parents who do not live with their children usually do not pay for child support on a regular basis. This is a universal problem. The majority of parents do not even get court orders for child support. Of those who get court orders, compliance rate is very low.*

*Research shows that in countries where a government Child Support Agency has been set up, the majority of children of divorced parents receive regular and adequate child support from their non-custodial parent.*

*A government Child Support system removes child maintenance from a judicial to an administrative process. Such an agency assesses the amount to be paid by the parent who is not living with the children, collects arrears in payment, and disburses the child support to the parent or guardian with custody of the children. It also traces absent parents to notify them of assessments made and arrange for a suitable payment method.*

### **Proposed Child Support Agency:**

- **Function:**

*A Child Support Agency (CSA) would assess, collect, and disburse child support payments, removing the process from judicial to administrative.*

- **Enforcement:**

*The CSA would have the power to enforce payments, including deducting from wages, securing court orders, and imposing penalties like denial of passport use or loss of licenses. For example, the agency can instruct employers to deduct maintenance money from the parents' wages. If self-employed, court action is taken to ensure compliance. This may include securing court orders against property or deposit accounts or sending in bailiffs to take possession of properties up to the value of the debt incurred. Other penalties include denial of use of passports, loss of drivers and professional licences, including medical, legal or contractor's licenses.*

- **Effectiveness:**

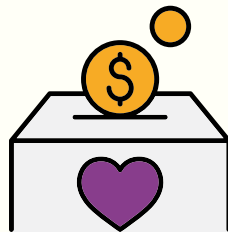
*In countries with similar agencies, like Australia, compliance rates for child support payments have significantly increased, and arrears collection has improved. As an example in Australia, over 70 percent of parents pay regularly for child support compared to 25 percent when it was under the court's jurisdiction. The Australian Child Support Agency is also able to collect about 90 percent of arrears due. Assessments made by the CSA are found to be more realistic than the low amounts usually ordered by the courts. Social welfare payments also decreased as custodial parents did not have to go to the government for income support to bridge the gap in their children's maintenance.*

*Addressing the issues surrounding maintenance claims in Syariah law requires a structured and enforceable system. Establishing a Child Support Agency and harmonizing legal provisions can ensure fair and adequate maintenance for children and former wives, reducing the financial burden on families and improving compliance with court orders.*

# BAGAIMANA ANDA BOLEH MEMBANTU?

## HOW CAN YOU HELP?

SUMBANGAN ANDA BOLEH DISALURKAN MENERUSI  
*Contributions can be channelled to:*



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DONATION**

**SIS Forum (Malaysia)  
5641 8240 5457 (Maybank)**

## Organisasi Yang Membantu Dan Menyokong Perempuan

*Organisations That Help & Support Women*



**TELENISA**

012-812 3424



Nasihat guaman percuma berkenaan Undang-undang Keluarga Islam dan kesalahan jenayah Syariah

*Free legal advice on Islamic Family Law & Syariah Criminal Offences*

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Keganasan rumah tangga, penderaan kanak-kanak

*Domestic violence, child abuse*





### Sarawak Women for Women Society (SWWS)

082-368 853  
Kaunseling dan nasihat guaman percuma

*Counselling & free legal advice*



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

03-7877 4221  
Kaunseling, Gangguan Sexual & Rogol

*Counselling, sexual harassment & rape*



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

088-269 291  
Kaunseling & Khidmat Nasihat Percuma

*Counselling & free legal advice*



### Women's Aid Organisation (WAO)

03- 3000 8858  
Nasihat Percuma, Kauseling & Rumah Perlindungan untuk Mangsa

*free Advice, Counselling & shelter for victim*



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

04-398 8340  
Kaunseling & Nasihat Guaman Percuma

*Counselling & free legal advice*



### Perak Women for Women (PWW)

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Kaunseling

*Counselling*



### Women Centre for Change (WCC) Penang

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Kauseling & Nasihat Guaman Percuma

*Counselling & free legal advice*



### Legal Aid Centre (Selangor)

03-5510 7007  
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*Free legal advice & legal representation*



### Legal Aid Centre (Kuala Lumpur)

03-2691 1121  
Nasihat & Perwakilan Guaman Percuma

*Free legal advice & legal representation*



### Legal Aid Department Malaysia

03-88851827 (Civil) /  
03-88851094 (Syariah)  
Nasihat & Perwakilan Guaman Percuma

*Free legal advice & legal representation*





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