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Women protest family law Bill

BY SUHAINI AZNAM AND A. LETCHUMANAN

KUALA LUMPUR: Women's groups are against proposed changes to a Bill which appears to enhance Muslim men's rights in cases of polygamy and make divorce simpler for them.

The Islamic Family Law (Federal Territories) (Amendment) Bill is aimed at protecting the interests of wives and children, but several women's groups have disagreed.

The Joint Action Group on Gender Equality (JAG) had earlier submitted a memorandum to a group of senators, including 16 women members of the Upper House, in a bid to request a withdrawal and review of the controversial law.

The Bill is expected to be tabled in the Dewan Negara tomorrow.

Some women senators told *The Star* that they would object to the Bill or vote against it.

The amendments had been approved by the Dewan Rakyat on Sept 26 after only two days of scrutiny by MPs, with the debate focusing on men's rights to polygamy rather than substantive issues.

JAG, which groups Sisters in Islam (SIS), Women's Aid Organisation, Women's Crisis Centre in Penang, Women's Development Collective, All Women's Action Society and the MTUC Women's Section, however acknowledged that several amendments in the Bill were aimed at safeguarding the interests of Muslim women in Malaysia.

"Nevertheless, we are concerned that these and other amendments in the Bill will result in further injustice and discrimination against women," JAG said in a statement.

The five points which have drawn the women group's ire are:

- THE right of a husband to claim a share of his existing wife's property upon his committing polygamy;
- MAKING polygamy easier for men;
- FORCING a wife to choose either maintenance or division of joint property upon a husband's polygamous marriage;
- ENHANCING the husband's rights to divorce; and
- ALLOWING a husband to get a court order to stop his wife from disposing of her property.

SIS executive director Zainah Anwar described the Bill as a "patchwork attempt to deal with changing circumstances" that benefited men more than women.

"It is grossly unjust," she added.

She said that in cases where women worked outside the home and owned property, it gave husbands the right to her property just as the wife had claims to joint property acquired during their marriage.

Zainah said that according to Syariah law, it was mandatory for husbands to provide maintenance for a wife throughout their marriage.



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Another objection was that the Bill also gave the husband the right to a *fasakh* divorce, (general right to claim divorce) which used to be the prerogative of the wife.

This prerogative has now been extended to the husband, in addition to his existing right to pronounce the *talaq* divorce (absolute divorce exercised by husband).

The JAG statement further read: "Moreover, the husband's ability to obtain *fasakh* divorce enables him to escape paying any form of compensation to his divorced wife."

A woman senator, who declined to be named, said many questions were raised during the briefing to them by Minister in the Prime Minister's Department Datuk Dr Abdullah Zin yesterday.

"There are many loopholes in the amendments and the minister also admitted the weaknesses," she said.


The senator claimed that the minister had urged them to approve the amendments, adding that changes could be made later on.

Related links:

[Islamic Family Law \(Federal Territories\) \(Amendment\) Bill](#) (in PDF format)

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