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THE RIGHT OF MUSLIM WOMEN TO JOINTLY ACQUIRED PROPERTY AFTER DIVORCE: ARISING ISSUES FROM THE SHARIA PERSPECTIVE

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ABSTRACT

This paper examines Muslim women's right to jointly acquire property after divorce and the issues that arise from the Sharia perspective. Similarly, in Malaysia, where Islam is the religion of the Federation, the rights of Muslim women are protected under the Islamic Family Law Act and Enactments of each state. Additionally, it is simpler for Muslim women to assert their entitlement to jointly acquired property when a divorce occurs. Yet, many still do not do so because they are unaware of their rights under Sharia and Islamic law. This paper will use the method of a desk review of Malaysian laws and policies and Sharia sources, including the interpretations of the Quran and Sunnah, fatwas, and writings of Islamic scholars on the subject. This paper discovered that there are still many instances where divorced women are left to address their marriage issues on their own and are often unaware of their rights to acquire property after the divorce jointly. Hopefully, this paper will shed some light on Muslim women's rights to jointly acquire property in Malaysia.

Keywords: *Muslim women, divorce, Islamic Family Law*

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Introduction

A husband and wife acquire the jointly acquired property during the marriage per the conditions determined by Islamic law (Wan Ismail et al., 2022). The acquisition of this property is the result of the efforts of the husband and wife to provide direct or indirect contributions during the marriage. This property includes movable and immovable property. Movable property is transferable and non-permanent, such as cash, bank savings, EPF savings, stocks, vehicles, furniture, jewellery, livestock, etc. Immovable property, such as land and houses, cannot be transferred (Zuhairah, 2007). Direct contribution means a contribution in the form of money and energy in acquiring property, such as the purchase of a house with the sharing of money and the joint administration of a company. Indirect contribution means a non-monetary contribution, such as psychological support, emotional support, and energy, that affects property acquisition (Norazlina, 2019). The concept of jointly acquired property covers property acquired by one of the spouses before marriage but developed during the marriage due to cooperation (Wan Adnan & Buang, 2021).

Finding and Discussion

There are issues in women's right to jointly acquire property when the property in the household is obtained solely because of the efforts of one party only (Ibrahim, 2007). In addition, the wife's indirect contribution is also often disputed by the husband. In this matter, the wife usually tries to raise the issue of indirect contribution. Looking at court practice today, the wife still gets her share of the marital property even though the effort was obtained only through the husband's sole effort, considering the wife's contribution to the family's well-being (Zaini, 2016). Regardless of whether a wife is employed, she could claim the jointly acquired property at a certain rate. The contribution of a wife who quits her job to become a full-time housewife is considered while managing the home. Because she has taken up the husband's obligations in the home so that he may go out and earn a living, they are entitled to claim jointly acquired property in her honour (Abd Latif, 2004).

Muslim Women's Position as Housewife Affecting their Rights in Jointly Acquired Property

Indirect Contribution

The question that emerges is whether a wife who solely works as a housewife can claim to acquire property jointly. *Boto' binti Taha v. Jaafar bin Muhammad* (1984, 1 J.H.) determined that a wife who helps her husband is entitled to the jointly acquired property. The case's facts are as follows:

Half of the property amassed during the marriage is being sought for by the claimant (wife) from her ex-husband. The possessions include real estate, homes, boats, fishing nets, and fish stands (stalls where fish are sold). When the party making the claim (the wife) wed the party who would be sued (the husband), she gave up her job as a shop assistant in a restaurant. She worked as a housewife and supported her husband in his responsibilities. In his ruling on the matter, the Right Honorable Hakim Saleh Abas (at the time) stated:

"Even though the plaintiff did not directly engage in the business, the defendant was able to run it successfully because to her desire to work with him. The court views the plaintiff's indirect contribution to giving the defendant peace of mind as important and should be taken into consideration. Indeed, it was claimed in the testimony that the plaintiff had occasionally accompanied the defendant on his travels while running his business since the latter would feel lonely without her. This proves that the defendant's property was gained through joint venture, and the plaintiff is entitled to her portion" (Baranov et al., 2021; Zharovska et al., 2021).

When deciding the case of *Nor Bee v. Ahmad Shanusi* (1978, Vol. 1, 2 J.H.) involving jointly acquired property, the Grand Kadi of Penang, Yang Arif Hj. Harussani bin Hj. Zakaria (at the time), stated the following:

"Jointly acquired property is approved by Syarak on the basis of service and life sharing. The wife manages and controls the household when the husband goes out to earn a living. According to Syarak, the wife is entitled to a wage earner in managing

the household. If there is no wage earner then the work of cooking, washing and managing the house should be considered as part of the work that reduces the husband's responsibility" (Ramli, 2012).

This implies that a housewife can pursue her husband for the jointly acquired property. The homemaker's contribution has been considered while dividing up the marital property. When sole effort assets are divided, the homemaker's claim to a sufficient share of the jointly obtained property is recognized for her service in caring for the family. Observations show that a woman's dedication to the home is only physically caring for her husband and children and serving her family as a wife and mother (Noorul Huda, 2019). The concept of division appears overly general in cases involving jointly acquired property in Malaysia and does not consider the wife's indirect participation. Those obligations are considered when evaluating jointly acquired property if the wife manages all domestic duties, including cooking, cleaning, watching the children, and managing the husband's income (Kim, 2017). The indirect contribution of a wife should then be the subject of legal consideration. Is the wife's indirect assistance on ('urf) or a profession? Al-Sayuti the Imam said:

"The laws and ordinances of a country may embrace the customs of a race or ethnic group as long as they are not in conflict with Islam".

There are three perspectives on the wife's indirect contribution:

First view: The Maliki School holds the wife's duty to make indirect contributions while the couple is together depending on the local community's ('urf) customs. In other words, a wife's responsibility as a spouse is to provide indirect support. The first defence is that local 'urf is a reliable source of law. This technique is drawn from Allah SWT's statement in Surah Al-Baqarah verse 228:

1. The first argument: According to what is equitable (*al-ma'ruf*), women shall have rights comparable to those enacted against them.
2. The verse's word *al-ma'ruf* referred to 'urf. According to the verse above, Allah (S.A.W.) has revealed that wives have obligations to their husbands, like husbands have obligations to their wives. The fulfilment of marriage-related duties in this *al-ma'ruf* manner should be considered in light of regional customs of this nature. Suppose such activities align with local "urf" which states that the wife is responsible for the indirect contribution, which covers the requirements of the husband, children, and household. In that case, this indirect contribution becomes the wife's duty (al-Ityubi, 2003).
3. The second argument: According to the 'urf customs of the neighbourhood, the wife is only indirectly required to contribute during the marriage. As a result, the husband cannot demand that the wife perform duties against 'urf and go beyond the scope of a woman's physical capabilities. Verse 286 of Surah al-Baqarah, makes it very clear: "On no soul doth God lay a load heavier than it can bear".
4. The third argument: The Prophet Muhammad SAW has assigned Ali and Fatimah their respective responsibilities in their marriage, according to the same argument. When guests arrived at their home, the Prophet SAW personally asked his wife, Aisyah r.a., to offer them food and beverages (al-Ityubi, 2014).

Second view: In the Hanafi School's stance, the wife must make indirect contributions throughout the marriage without mentioning the local 'urf (Wizarah al-Auqaf, 2006).

The first argument: Based on Surah an-Nisa 34:

1. "Men are women's maintainers and protectors."
2. Considering the verse above, the husband loses control of the household's management if the wife makes no direct contributions. Even if the husband undertakes every household job, it still shows that the wife, not the husband, is doing everything (Al-Walwi, 2005).

3. The second argument is that the Prophet Muhammad SAW assigned Saidina Ali and Fatimah the responsibilities around the house. He has determined that a house's external management falls under the husband's purview, while the wife oversees its inside management. This justification is the foundation for prohibiting requesting compensation or salary once the wife's role is complete (Ahmad & Fisol, 2021).

Third view: The wife is not required to make indirect contributions during marriage, but it is good for her to do so as is done "urf" in society, according to the majority fuqaha' from Mazhab Syafie, Hanbali, and part of Maliki. In other words, although the marriage contract does not require indirect payments, the wife is highly advised to adopt the custom of 'urf (Ibn Qudamah, 1984).

1. The first argument: The wife is not required to provide indirect support for the marriage, such as kneading bread, grinding flour, and cooking. She alone has to take care of her requirements. She values local 'urf observation beyond anything else, though. If "urf" states that the wife is to make an indirect contribution, then she has a responsibility to do so (Al-Karami, 2008).
2. The second argument: The idea behind a marriage contract is to make it legal for a husband and wife to have sexual relations; it does not grant the right to use the wife's services to gain financial or other advantages. After the marriage contract, the husband must sign another contract if he requires the wife's help running the home. Regarding the hadith mentioned by the schools of Hanafis and Maliks regarding the duties of Saidina Ali r.a. and Fatimah r.a., it is not required but is nonetheless a recommended and honorable act (al-Imrani, 2000; al-Ithyubi, 2003). In conclusion, the chosen viewpoint among scholars based on 'urf holds that the wife's indirect participation is required and a responsibility (Al-Ityubi, 2004).

Direct Contribution

In general, most academics advise women to seek employment under the conditions outlined by Sharia. Sharia career in compliance, husband's approval, intention to work to achieve personal and communal needs, performing her duty to her spouse and children, a suitable career for women, adhering to proper attire, and the workplace free from slander are some conditions Sharia prescribes. The effort put forth by a working wife appears to be higher than that of a non-working wife since they aid in the family's financial stability, raise standards of living, ensure a secure future, and possibly make contributions to society that are beneficial to the *maslahah* (Zainon, 2021).

The actual contribution is determined by considering all payments made for the asset, including mortgage payments, down payments, insurance premiums, taxes, the remaining balance of the purchase price, and payments for boosting the asset's value through improvements and renovations. The woman makes a significant contribution when she pays for the asset with her money or money from her EPF balance. The court ruled that the plaintiff contributed directly to the home in the Sarawak case of *Fatimawati Binti Bakawi v. Sapien Bin Jamain* (13100-017-0438-2003), and it ordered that she be given half the property. The defendant made the final payment of the purchase price (Noorul Huda, 2019, 52).

According to academics, a working wife must pay for any additional home costs the husband requests. This circumstance applies if the husband and wife cannot agree on how much the wife should contribute. The cost of a maid, a personal driver, additional clothing, the purchase of fast food, and childcare are a few things that the wife should be responsible for. This situation makes it easier for the spouse to pay for his daily necessities. As a result, it is possible to elevate the understanding that marriage serves to foster love and kindness. Marriage conflict, which Islam forbids, may develop if the wife is unwilling to bear some of the financial load with the husband. As a result, by sharing and contributing, this dispute can be avoided (Hilali, 2010).

Ijma' holds that a working wife's property is her own and has complete control over it, even when her employment has taken time away from taking care of household duties because her husband approved of her career. The wife acquires complete property ownership if the husband voluntarily relinquishes his claim to the wife's time. Additionally, if the husband and wife decide that the working wife will contribute a particular amount, the decision must be carried out (Hilali, 2010).

The Lack of Awareness Among Muslim Women to Jointly Acquired Property After Divorce

Understanding the rules and rights is essential, especially for women, as one is easily passed over without realizing it. This is so because a lack of awareness of women's rights leads to the majority of instances affecting women in claiming their rights in jointly acquired property. Zaleha Kamaruddin clarified the situation by stating that statistics indicate that most crimes against women go unreported because of severe shyness and the fact that many women are still unsure of their rights and obligations (Hassan, 1995).

The introduction of Islam changed all the sexism, violence, and abuse towards women. Islam has increased the status of women, restored their place in society, glorified them, and returned the rights that males had previously taken from them and acknowledged. In society, women are accorded the same standing as males. According to Islamic law, women are entitled to the same freedoms as males. Rights to jointly acquire property after a divorce is one of them. In the Islamic family law system, women have specific rights that have been specified, such as the ability to divide their rights to acquire property after divorce jointly (Noraziah, 2011).

There is no denying, however, that even though provisions are made, there are still numerous instances of women being neglected, particularly after divorce, such as when their children are taken away from them. Their jointly acquired property is not distributed. The current provision is good and gives women a chance to get their rights, but it won't become a part of the law unless used. This occurs as a result of women's ignorance of the rights guaranteed to them by the Islamic Family Law's enactment (Nurhidayah, 2010).

According to Hajah Masnon bt., Mr. Ibrahim's study revealed that, generally speaking, women do not pay enough attention to their rights and positions, whether based on Shariah law or otherwise protected by the law. This puts people at risk of violating their rights or being denied in other situations. Some women are unaware of their rights under the Islamic Family Law Enactment when their husbands and wives quarrel, argue, abuse one another, or divorce (Hajah Masnon, 2001).

This is further supported by Sulaiman Endut's assertion that spouses today are frequently overly tolerant since they do not place any demands but legitimize the ex-post-divorce husband's behavior. The wife suffers more due to caring for the kids without the husband's assistance, which is not simply advantageous to the husband. This is the chance the husband has been waiting for to release himself from obligations (Wan Norazah, 1995). Datin Noor Aziah Haji Mohd Awal asserts that most modern women are still unaware of their rights. Many women encounter difficulties at work, with their families or husbands at home, or even with their neighbors, yet most of these issues are ignored or kept secret. Due to their femininity, most women prefer to endure pain than find a remedy (Mohd Awal, 2011).

It is clear that housewives are entitled to jointly acquired property after divorce, defined by law as any property acquired by a husband and wife while they are married. This scenario can be illustrated in the case of *Hajjah Lijah binti Jamal v. Fatimah binti Mat Diah*¹⁶⁸, where Judge Briggs provides the following definition of marital property:

"Property obtained when they were husband and wife, as a consequence of their efforts or because of their joint efforts."

In the case of *Piah bt. Said v. She Lah bin Awang* ¹⁶⁹, Grand Kadi of Penang, Tun Hj. Harussani bin Hj. Zakaria further clarifies what constitutes jointly acquired property as follows:

"Jointly acquired property is anything the couple gained while the husband was alive and the wife was living with them and working, regardless of whether the couple works in the same field or a different one, whether their jobs are legally divided or not, or if they do not" (Mohd Awal, 2011).

In contrast, Judge Ismail bin Yahya, in the case of *Awang v. Shamsuddin* explains that jointly acquired property is separated into three groups, namely:

- i. Real estate is something that a husband and wife jointly purchase throughout a marriage.

- ii. Property purchased solely by one party (often the husband) since the wife is unemployed. Due to the wife's responsibilities to care for the home and children and her contribution to the husband's well-being and ability to amass riches, the wife still retains her rights to the property in this case.
- iii. Property that belonged to one of the parties before marriage but was primarily acquired during the marriage (Najihah Hassan, 1995).

Women need to arm themselves with enough knowledge about their rights in marriage to avoid negative events later in their lives. Their rights before, during, and after marriage should be covered. Women will be shielded from oppression if they are aware of their rights. If women are aware of their rights, harassment and oppression won't occur. Even though they have been subjugated for so long due to ignorance of their rights, nothing is done (Wan Norazah, 1995).

Related Cases to the Right of Muslim Women to Jointly Acquired Property after Divorce

One of the parties who may claim any property acquired together in the case of a divorce is the wife. When a dispute arose over jointly obtained property mostly due to one person's efforts, that defense was frequently used (Ibrahim & Hak, 2007). The husband's male partners constantly dispute the husband's entitlement to property earned during the marriage since they are unaware of the indirect support provided by the wife. Even though the property was exclusively gained through the husband's labor, the wife is nevertheless entitled to her part under court precedent by considering her contribution to the welfare of the home.

This is also evident in the decision made by the court in *Boto v. Jaafar* (1985) 2 MLJ 29, which reads as follows: Indeed, the plaintiff did not directly participate in the firm, but her willingness to work with the defendant made it possible for him to operate the business effectively. The court views the plaintiff's indirect contribution to giving the defendant peace of mind as important and should be considered. Indeed, it was claimed in the testimony that the plaintiff had occasionally accompanied the defendant on his travels while running his business since the latter would feel lonely without her as a result. This shows that the defendant's property was purchased in a joint transaction and that the plaintiff has the right to present her case for a share of that property (Baranov et al., 2021; Zharovska et al., 2021).

The court has also acknowledged moral support as one of the unquestionable contributions. This premise is demonstrated in the case of *Tengku Anum Zahrah v. Dato' Dr. Hussein* (1980), 3 JH 125. The husband has refuted the wife's assertion that she has a right to jointly acquire property, claiming that she didn't contribute in any direct or indirect way. The court did conclude that the wife's moral contribution should be considered when dividing the jointly acquired property. The husband quickly earned the title of Dato by marrying a woman of the royal family and, by gaining the public's trust, indirectly assisted the husband's business in succeeding (Mat Jusoh, 2016).

The settlement for disputes involving jointly acquired property between states is quite consistent. The distribution or resolution of claims involving jointly acquired property in Kota Kinabalu Syariah High Court is based on three primary strategies: mutual agreement, sulh method settlement, and court proceedings.

Sulh Method

Suhaini Binti Abd Hamid v. Chee Rodzmi Ismail (12100017-0009-2014), a case in which the plaintiff and defendant were married on December 2, 1995, and divorced on January 19, 2012, is an illustration of a case that was resolved using the *sulh* method. In this case, the lady made a claim to an apartment obtained as jointly acquired property while the couple was still married. Nonetheless, the husband or defendant has agreed to grant the plaintiff complete access to the residence in the *sulh* council. The judge approved a settlement contract that all parties signed (Ibrahim & Hak, 2007).

A case where the parties reached an agreement and handed the kids ownership of jointly acquired property is *Suzane Binti Adzmin @ Amin v. Ayatullah Bin Yampalera* (12100-017-0133-2015). Following their October 17, 2003 wedding, Plaintiff and Defendant filed for divorce on February 15, 2012. The plaintiff and defendant have three kids together. During the marriage, the claimant and defendant bought a condo unit.

The settlement contract, which all parties signed during the *sulh* ceremony on March 10, 2015, entirely transfers ownership of the condominium to the plaintiff. Along with his name, the plaintiff will transfer ownership of the property to his three children: Muhammad Hidayatullah, Muhammad Fadlullah, and Muhammad Dhoifullah. After reviewing it, the judge approved this settlement agreement (Ino, 2016; Udu et al., 2016). The following case, *Saudah Ali Baki v. Juni Bin Yusup*, was similarly resolved (12100-0170315-2015). Having been wed on November 28, 1983, Plaintiffs and Defendants filed for divorce on December 3, 2014. During their marriage, they acquired several properties, such as a house in Taman Kinarut Jaya with furniture, an apartment house with furnishings, a Nissan Frontier car, and a Honda CBR 150CC motorcycle.

The court will acknowledge the property as jointly acquired property. The parties in this case also agreed to divide all the property equally, with 50% going to the plaintiff and 50% to the defendant, at the Sulh Council meeting on July 29, 2015. The defendant agrees to pay the total balance of the outstanding monthly payments for two cars, a Nissan Frontier automobile and a Honda CBR 150CC motorbike, which are included in this agreement. The court approved the treaty through the *sulh* Council (Zulvany, 2020).

Mutual Agreement

Lawyer participation in court cases has begun in Malaysia since the establishment of the Syariah Courts under the Shariah Administration Laws of the states. This law allows legal counsel and attorneys for any party to participate in proceedings before the Syariah Court at any court level, including the Court of Appeal (Ino, 2016; Udu et al., 2016). In theory, attorneys are responsible for assisting the court with procedural matters and case law. However, they also must assist the opposing parties in reaching a mutually agreeable conclusion. They can arrange a *sulh* method for the client they are defending at any time throughout the procedures, provided it happens before the verdict is executed. This will hasten the resolution of the problem and reduce friction in the parties' relationship (Baranov et al., 2021; Zharovska et al., 2021).

This is clear from Practice Instruction No. 2 of 2012, which states that cases that are accompanied by a Settlement Agreement or an Agreement that a shariah lawyer or the parties drafted are not required to be referred to the *sulh* council at the registration stage. The lawyer will draft a contract certificate signed by both parties in line with Practice Instruction No after they reach an agreement in 2012 while their lawyers are present. After Syariah's lawyer informs the court during the trial that the parties have reached a mutual divorce agreement, the judge will evaluate the agreement and issue a court order. (Hajah Masnon, 2001).

This knowledge can also be acquired while the experiment is still running. The parties are brought before the judge for a trial when the *sulh* procedure between these two parties is unsuccessful. The judge will review the parties' agreement after they have announced their mutual understanding in front of the judge and will issue a court order based on that assessment. Both parties agreed to make this settlement a judgment. 29 jointly acquired property cases out of 65 were settled by the parties' permission, making this settlement method the most popular for property claims, according to statistics on the resolution of jointly acquired property cases in the Kota Kinabalu High Court (Mat Jusoh, 2016).

This mutual understanding has been utilized as an example in the case of *Aimee Nadia Abdullah @ Jeslin Binti Beliku v. Jumain Bin Sainoh* (12100-017-0517- 2013). In this case, the plaintiff and defendant married on February 3, 1990, and divorced on October 1, 2013. In addition to receiving a two-story terrace house and an apartment, the plaintiff and defendant were fortunate to have two boys throughout their marriage. In front of their respective solicitors from Messrs. MS Association, the parties have agreed on this topic by signing a Memorandum of Understanding. The defendant agrees to let the plaintiff and their second child stay in the house for however long the plaintiff needs or desires,

notwithstanding the contract stating that the defendant has taken possession of the two-story terrace house. But the plaintiff's newly acquired flat remained hers, and the defendant did not claim jointly acquired property against it. Instead, he requested that the children share equally in apartment ownership. The claimant agreed that her children be given ownership of the apartment. After reviewing the agreement, the judge signed off in writing (Ibrahim & Hak, 2007).

Trial in Court

A judge will hear the case if a couple cannot come to an amicable agreement on a jointly acquired property. The division of jointly acquired property, determined by applying a distribution of 1/2, 1/3, or 2/3 of the entire property value and depending on the degree of involvement made in acquiring the property, is reflected in the settlement through the trial process. During the trial, the party presenting the claim or allegation must provide evidence to support their assertion. In addition, the parties involved in a claim for jointly acquired property must show the court their direct or indirect contributions to the acquisition of the property. Oral testimony typically supports direct donations, whereas circumstantial evidence supports indirect contributions. The parties must also show that they made a significant effort to acquire marital property (Zulvany, 2020).

The Kota Kinabalu Syariah High Court heard the *Zaharin Bin Naamat v. Nurhanisah Binti Abdullah @ Sumini* as an example of a jointly acquired property claim dispute (12100-017-04612011). In this case, the plaintiff has sued the defendant to have a judge rule that the plaintiff and defendant did not jointly acquire the plaintiff's car, a Toyota Rav 4 purchased around October 1999. The car must be immediately returned to the plaintiff by the defendant public (Zaini Yusnita Mat Jusoh, 2016).

The plaintiff and defendant also owned three residences when they were married: a semi-D house in Taman Sri Matang, a Beverly Hills condominium, and a two-story terrace house in Taman Suria Indah, which were claimed as jointly acquired property. As a result of these allegations, the plaintiff is entitled to earn 90% of the total worth of each of these residences because she oversaw all prior funding. Deposit for a land purchase in Kuching, Sarawak, and Pontianak, Indonesia. On the other hand, the defendants filed a counterclaim against the plaintiff because they disagreed with the plaintiff's claim. She asks for 40% of the rights to the homes they owned, including a condominium in Jalan Sulaman, a duplex in Beverly Hills, two units in Melinsung Summer Bay Resort, and duplexes in University, Country Heights, and University. The defendant also asserted that 40% of the Plaintiff's Employees Provident Fund (EPF) and 40% of the current value of a Gen 2 type car should be transferred to the defendant. Meanwhile, the defendant should receive full payment for a Toyota Rav 4 (Ibrahim & Hak, 2007).

It has been determined that the Taman Sri Matang semi-D house, two Beverly Hills flats, the Jalan Sulaman condominium, and the Melinsung Summer Bay Resort Apartment are all marital property in this case. The court further ordered that the plaintiff receive 80% of the current professional assessor valuation of the marital property and the defendant receive 20% of that worth after subtracting charges and loan debt. The plaintiff's claim for a two-story terrace house at Taman Suria Indah is likewise approved; he earns a share rate of 30%, while the defendant receives a share rate of 70%. The court dismissed the plaintiff's EPF, a Proton Gen 2 vehicle, the defendant's counterclaim against University Apartment, Country Heights Apartment, Melinsung Summer Bay Resort Apartments, and University Apartment. Additionally, it rejected the plaintiff's assertion of RM147,000.00 in marital debt.

Conclusion

Malaysian states' Islamic Family Enactments have formalized the concept of communally acquired property. Any claims to this property made by divorced Muslim couples have been exclusively heard by and decided by Syariah courts in every state. Whether the court will take the claim into account depends on how much or how quickly the claimant contributed to the property that was amassed throughout their marriage. Syariah Courts generally consider any implied or indirect contributions to the assets during the marriage. The court will have the jurisdiction to assess the applicant's condition to gauge indirect contributions to the marriage, such as taking care of the home and kids (Suwaid Tapah, 2001). Even if she does not provide financial support for the home, or in other words, does not have a job, a woman is nevertheless eligible to claim jointly acquired property after divorce. Women's rights will become clearer thanks to this writing. Though they don't make up the majority of contributors,

women's rights and interests are better safeguarded. This practice is more in line with Islam's view of justice. When it comes to dividing jointly acquired property, the Syariah Court in Malaysia significantly impacts the administration of justice. However, the Islamic Family Law of Malaysia makes special reference to jointly acquired property in several provisions.

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