

# Practice and Procedure in the Administration of Muslim Family Law

18 October 2022 | 9.00am – 4.00pm SGT

Stamford Room, 1 Coleman Street, #08-06 The Adelphi, Singapore 179803

## Overview

What is the interaction between the civil law and Muslim law in resolving family disputes? How is Muslim law applied and practised in Singapore? Whether you are new to the field or looking to deepen your expertise, our speakers, who are instrumental to the administration of Muslim family law, will share their experience and views over 3 sessions:

- (1) Jurisprudential Trends in Muslim Family Law - A Singapore Perspective;
- (2) Process & Procedure in the Syariah Court; and
- (3) Perspectives from the Bench - Advocacy in the Syariah Court and the Appeal Board.

Our Guest-of-Honour, Justice Valerie Thean, will grace the occasion by delivering the Keynote Address and launch the book *Muslim Family Law in Singapore*. This book is an up-to-date practitioner's guide combining a careful survey of topics, comprehensive analyses of reported cases and developments in the field, and insights and critical commentary of various issues.

## Bundle Price



Event + *Muslim Family Law in Singapore*  
**SGD 299.60** (inclusive of 7% GST)  
(Original price: \$395.90)

SAL Members may utilise credit dollars (C\$)

Click [here to register](#) (limited seats available, on first-come-first served basis)

Register by  
**11 October 2022**

## Learning Partners



## Knowledge Partner



## Supporting Partners



## Programme

8.30am - 9.00am	<b>Registration</b>
9.00am - 9.30am	<b>Keynote Address &amp; Book Launch by</b> <ul style="list-style-type: none"> <li>The Honourable Justice Valerie Thean, <i>Supreme Court of Singapore</i></li> </ul>
9.30am - 10.30am	<b>Jurisprudential Trends in Muslim Family Law - A Singapore Perspective</b> <u>Moderator</u> <ul style="list-style-type: none"> <li>Ms Halijah Mohamad <i>Sole Proprietor, Halijah Mohd &amp; Co</i></li> </ul> <u>Speaker</u> <ul style="list-style-type: none"> <li>Mr Ahmad Nizam Abbas <i>Managing Director, Crescent Law Chambers LLC</i></li> </ul>
10.30am - 11.00am	<b>Morning Tea</b>
11.00am - 12.30pm	<b>Process and Procedure in the Syariah Court</b> <u>Moderator</u> <ul style="list-style-type: none"> <li>Mr Norhakim Md Shah <i>Partner, I.R.B Law LLP</i></li> </ul> <u>Panellists</u> <ul style="list-style-type: none"> <li>Ms Masayu Norashikin Mohamad Amin <i>Registrar, Syariah Court</i></li> <li>Ms Shahrinah Abdol Salam <i>2Director / Deputy Director of Legal Aid, Legal Aid Bureau</i></li> </ul>
12.30pm - 2.00pm	<b>Lunch</b>
2.00pm - 3.30pm	<b>Perspectives from the Bench - Advocacy in the Syariah Court and the Appeal Board</b> <u>Moderator</u> <ul style="list-style-type: none"> <li>Ms Istyana Putri Ibrahim <i>Senior Assistant Director / Assistant Director of Legal Aid, Legal Aid Bureau</i></li> </ul> <u>Panellists</u> <ul style="list-style-type: none"> <li>Ms Guy Ghazali <i>Senior President, Syariah Court of Singapore</i></li> <li>Mr Mohamed Faizal Mohamed Abdul Kadir SC <i>Member of MUIS Appeal Board Deputy Chief Prosecutor, Attorney-General's Chambers</i></li> <li>Mr Azmin Jailani <i>Member of MUIS Appeal Board District Judge, Family Justice Courts</i></li> </ul>
3.30pm	<b>Networking Tea</b>

## Venue

Stamford Room, 1 Coleman Street, #08-06 The Adelphi, Singapore 179803



Number of Public CPD point: 4.5  
 Practice Area: Family | Training Level: General

### SILE Attendance Policy

Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, this includes signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.

### LIFTED KEY

Legal Practitioner ● Technical Lawyering  
 Legal Support ● Specialism

## Session Write-up

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### Jurisprudential Trends in Muslim Family Law - A Singapore Perspective

Even though the Syariah Court has been around since 1958, it still remains largely an enigma to many, including lawyers. This session provides a brief journey on the applicability of Muslim Law, prior to arrival of the British administration in 1819, through the enactment of Mohammedan Marriage Ordinance 1880 and Muslim Ordinance 1957 until the introduction of the Administration of Muslim Law Act in 1966. By comparing the past legislation with the present, we examine why in some particular clauses in AMLA, we see the phrase 'according to the Muslim Law as modified, where applicable, by Malay custom'.

This session will explain the role of Kadis in registering marriages and divorces how their roles have led to certain legal conundrums to exist today, for example, the Syariah Court can only make orders on *nafkah iddah* and *mutaah* but not children or property if the divorce had been recorded before a kadi. Issues on jurisdiction and powers of the Syariah Court have been the subject of High Court and Court of Appeal decisions and their impact on the practice at the Syariah Court will be examined as will the use of civil law authorities at the latter court.

Within the Syariah Court body of jurisprudence itself, there have been wider discussion of scholarly work from beyond the Shafii school of law. Various factors such as the diversity in composition of the backgrounds of the Syariah Court bench and bar, the changing demographics and increasing cross-border relationships of parties have contributed to the evolution of trends. This session also aims to provide participants with a platform to share insights on how judicial decisions can be contextualised according to the needs of the society within an accepted legal framework.

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### Process and Procedure in the Syariah Court

*"Not only must justice be done, it must also be seen to be done"*

For advocacy to be effective, the litigation lawyer must know, understand, and abide by all the procedural rules governing his case. These rules safeguard the principles of natural justice by ensuring that parties have a fair opportunity to be heard by the Court.

In this interactive session, participants will have the opportunity to clarify procedural difficulties and ambiguities in practice, as well as gain insights from the Registrar of the Syariah Court, and the former Registrar, on key aspects of Syariah Court's processes and procedures against the backdrop of the Muslim Marriage & Divorce Rules. The panellists will share on the common pitfalls that can be easily avoided, and tips to aid the lawyer in preparing his case in an expedient manner that can potentially reduce costs and time wastage.

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### Perspectives from the Bench - Advocacy in the Syariah Court and the Appeal Board

Effective advocacy is an indispensable skill for any litigation lawyer, regardless of whether they are practising in the civil courts, the Syariah Court, or the MUIS Appeal Board ("Board"). When done well, an effective advocate not only presents their developed case theory with clarity and precision, but in the most persuasive manner possible before their principal audience – the Court.

In this session, participants will have the opportunity to gain perspectives from the bench, through the thoughts and experiences of the Senior President of the Syariah Court and two members of the Board, who will share their take on effective written and oral advocacy in their respective forums.

The panellists aim to share how effective advocacy starts from the time counsel obtain their initial instructions, the importance of proper document/evidence gathering and legal research, how the case develops at the different stages of the proceedings in the Syariah Court (i.e., pleadings, interlocutory applications, affidavits, the divorce and ancillary matters hearings including the adducing of oral testimony for the divorce where required, written submissions, oral arguments), and its eventual form before the Board (i.e., the Petition of Appeal, written submissions, and oral hearing before the Board). While certain core fundamentals apply across each forum, the panellists will share certain nuances applicable to their respective forums, and how effective advocacy is both precise and adaptable to its circumstances. The panellists also share how effective advocacy not only applies to the Court, but also an advocate's dealings with their counterparts and their clients.

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## Speakers' Profile

### Keynote Address



#### The Honourable Justice Valerie Thean

Supreme Court of Singapore

Justice Valerie Thean has been a High Court Judge of the Supreme Court since 30 September 2017. She was first appointed Judicial Commissioner on 30 September 2014 (and was concurrently Presiding Judge of the Family Justice Courts from 1 October 2014 until 29 September 2017).

Justice Thean obtained her undergraduate and masters law degrees from Downing College, Cambridge University and Harvard Law School respectively. She has held various appointments within the public service, including as a Justices' Law Clerk, Assistant Registrar at the Supreme Court, District Judge at the then Subordinate Courts, Senior State Counsel at the Attorney General's Chambers, Director-General (Legal) and Deputy Secretary of the Ministry of Law, and Senior District Judge of the Family and Juvenile Justice Division of the State Courts. She was also previously an Adjunct Associate Professor at the National University of Singapore Law Faculty.

### Jurisprudential Trends in Muslim Family Law - A Singapore Perspective



#### Ms Halijah Mohamad

Sole Proprietor, Halijah Mohd & Co

Halijah Mohamad graduated from the National University of Singapore in 1983 and was admitted to the Singapore Bar in 1984. In 1995, she set up her law firm specialising in matrimonial law (in both civil and Syariah courts).

Moderator

She is a member of the Family Law Practice and Muslim Law Practice Committees in the Law Society, and Vice President of Singapore Association of Women's Lawyers. She was 3 times past Vice Present of AWARE (1999, 2000 and 2010-2012). She was a Council member of the Muslim Financial Planning Association. She contributed the chapter on Overview of Syariah Law in family matters in the book *Law & Practice of Family Law in Singapore* published by Sweet & Maxwell (2016). In 2020, she co-created the very first module on Islamic Family Law in Singapore for the LLB programme at Singapore University of Social Sciences.

She had been involved in representations made to Select Committee on several bills including amendments to Administration of Muslim Law Act, Women's Charter, Penal Code, and Maintenance of Parents Bill. In 1999 & 2017, as part of the Muslim Law Practice Committee, she had assisted in drafting of Amendments to the Muslim Marriage and Divorce Rules.

She was also involved in the preparation NGO Shadow Reports on Convention of Elimination of Discrimination against Women (CEDAW) submitted to United Nations (CEDAW Committee) in 2007, 2011 and 2017.



#### Mr Ahmad Nizam Abbas

Managing Director, Crescent Law Chambers LLC

Ahmad Nizam Abbas is the managing director of Crescent Law Chambers LLC. He participated in the Parliamentary Select Committee's hearing on the amendments to the Administration of Muslim Law Act in 1998, contributing extensively to the development of Muslim law in Singapore. He was the Chair of the Law Society's Muslim Law Practice Committee between 2010 and 2021. He teaches 3 subjects at the Singapore Institute of Legal Education - Family Law, Wills, Probate & Administration and Mediation. In 2020, he co-created the first ever module on Islamic Family Law in Singapore for the Singapore University of Social Services LLB programme and has collaborated with the National University of Singapore on its Muslim Law Practice Course, which caters to practitioners.

Speaker

He presently serves on the Youth Court's panel of advisers, the Family Justice Court's panel of child representatives and the Maintenance of Parents' Tribunal, among others. He frequently speaks on the jurisdictional relationship between Civil Law and Muslim Law in Singapore at various forums, and his works have been published internationally. He has served on diverse boards including *Majlis Ugama Islam Singapura* (the Islamic Religious Council of Singapore) and MediaCorp.

Speakers' Profile

Process and Procedure in the Syariah Court



Moderator

**Mr Norhakim Md Shah**

Partner, I.R.B. Law LLP

Hakim was called to the Singapore Bar and began practising in the year 2013. Even as a trainee, prior to practice, he had assisted in matters litigated in the Syariah Court and MUIS Appeal Board. For the past 9 years in practice, Syariah court litigation has been Hakim's main practice area, amongst others, and he continues to represent his clients in the Syariah Court, while managing their expectations and putting their best case forward.

Hakim is a partner at I.R.B. Law LLP and is currently 1 of the 2 vice-chairpersons in the Law Society's Muslim Law Practice Committee. He was also a member of the organising committee for the Family Conference in the years 2020 and 2021. As a practitioner, Hakim is an advocate of therapeutic justice and reaching amicable resolutions between parties in their disputes.

There is no win or lose situation in a divorce or any family matter but, most times, parties take on litigation as a last resort. Through the past years of practice, Hakim has become familiar with Muslim law and the Syariah Court practice, but just like any other practitioner, he looks forward to learning and clarifying the current court processes with the panellists in Session 2.



Panellist

**Ms Masayu Norashikin Mohamad Amin**

Registrar, Syariah Court

Masayu graduated from NUS, LLB (Hons) in 1999. She was called to the Bar in Singapore in June 2000. She was practising civil litigation from 2000 to 2009.

In June 2009, Ms Masayu was appointed as a District Judge in the Subordinate Courts (now the State Courts) in the then Family & Juvenile Justice Division. She went on to serve as a District Judge in the Family Justice Courts from October 2014 to December 2017. She was Deputy Registrar of the Syariah Court in January 2018 until her current appointment as Registrar, Syariah Court in April 2022.



Panellist

**Ms Shahrinah Abdol Salam**

*2Director / Deputy Director of Legal Aid, Legal Aid Bureau*

Shahrinah Abdol Salam graduated with LLB Honours (2nd Class, Upper Division) from National University of Singapore in 2001. She joined the Singapore Legal Service upon graduation and served as Assistant Director, Legal Aid Bureau, Ministry of Law until 2008.

From 2008 to 2015, she was appointed State Counsel and subsequently Deputy Senior State Counsel, serving in the Legislation Division of the Attorney-General's Chambers. In 2015, she was appointed Deputy Registrar of the Syariah Court and in 2018, appointed Registrar and concurrently adhoc President of the Syariah Court. She is currently 2Director (2 Legal Representation & Advisory Team) and Deputy Director of Legal Aid at Legal Aid Bureau.

## Speakers' Profile

### Perspectives from the Bench - Advocacy in the Syariah Court and the Appeal Board



Moderator

#### Ms Istyana Putri Ibrahim

Senior Assistant Director / Assistant Director of Legal Aid, Legal Aid Bureau

Istyana Putri Ibrahim is a legal service officer with the Legal Aid Bureau ("Bureau"), a department under the Ministry of Law. Before joining the Bureau, she was a partner with Rajah & Tann Singapore LLP, practising commercial and criminal litigation. Since getting called to the Bar in 2011, Istyana has been lead counsel and/or mentored junior lawyers in a wide range of complex civil, family and Syariah divorce cases, including MUIS Appeals.

Istyana now co-heads the Syariah Court Practice Group in the Bureau and led the implementation and training of the Specialist Legal Executive Scheme, which allows selected legal executives to attend court for straightforward Syariah Court cases, amongst other matters. She holds a Bachelor of Laws (Second Upper) from the National University of Singapore (NUS) where she received the Rajah & Tann Prize for Corporate Insolvency. In an exchange programme in McGill University, Montreal, Canada in 2008, Istyana studied Islamic Law under Professor Wael Hallaq. She is also an accredited mediator with the Singapore Mediation Centre. Finally, Istyana is co-author of the forthcoming publication, "Muslim Family Law in Singapore (1st Ed)", the first dedicated textbook on the applicability and practice of Muslim family law in Singapore.



Panellist

#### Ms Guy Ghazali

Senior President, Syariah Court of Singapore

Guy Ghazali is Senior President of the Syariah Court. She graduated from the National University of Singapore in 2005 and was admitted as an Advocate and Solicitor of the Supreme Court of Singapore in 2006. Prior to joining the Singapore Legal Service as a Legal Service Officer in 2015, Guy was a Partner in private practice. She spent many of her practice years in civil and commercial litigation, and eventually developed a principal practice in both civil and Muslim family law. She also advised on probate and administration matters, and succession planning. She was a member of the Law Society of Singapore's Family Law Practice Committee, Muslim Law Practice Committee and Probate Practice Committee.

Prior to her present posting to the Syariah Court, she was a District Judge and Assistant Registrar in the Family Justice Courts from 2015 until 2020. She served as a member of the MUIS Appeal Board, which hears appeals from the Syariah Court, from 2018 until 2020. Guy is an accredited mediator with the Singapore Mediation Centre.



Panellist

#### Mr Mohamed Faizal Mohamed Abdul Kadir SC

Member of MUIS Appeal Board

Deputy Chief Prosecutor & Senior State Counsel, Attorney-General's Chambers

Faizal serves as Deputy Chief Prosecutor & Senior State Counsel at the Attorney-General's Chambers. He holds adjunct teaching positions in various institutions and was General Editor of "Criminal Procedure Code of Singapore: Annotations and Commentary" published by Academy Publishing. Faizal is the author of the Muslim Law Chapter in the Singapore Academy of Law Annual Review, and was concurrently co-author of the Criminal Procedure, Evidence and Sentencing Chapter for close to a decade. A member of the MUIS Appeal Board and an alumnus of the National University of Singapore and Harvard Law School, Faizal was appointed Senior Counsel in 2020.



Panellist

#### Mr Azmin Jailani

Member of MUIS Appeal Board

District Judge, Family Justice Courts

District Judge Azmin Jailani graduated from the National University of Singapore in 2008 and was admitted as an Advocate and Solicitor of the Supreme Court of Singapore in May 2009. Prior to his present appointment, Azmin was practising in Rajah and Tann Singapore LLP (previously known as Rajah & Tann LLP) from 2008 to 2013, and thereafter in Allen & Gledhill LLP from 2013 to 2017. While in practice, Azmin specialised in international arbitration, construction litigation, and civil & commercial litigation. He was also a volunteer lawyer with the Law Society Pro Bono Services (previously known as the Pro Bono Services Office of the Law Society of Singapore). In September 2017, Azmin was appointed as a District Judge of the Family Justice Courts. In January 2021, he was also appointed as a member of the MUIS Appeal Board, which hears appeals against decisions of the Syariah Court. In January 2022, Azmin was admitted as a Fellow of the Chartered Institute of Arbitrators.