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Muhammad Haniff Hassan

Sharifah Thuraiya Su'ad Ahmad Alhadshi

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# THE TRAINING, APPOINTMENT, AND SUPERVISION OF ISLAMIC JUDGES IN SINGAPORE

Muhammad Haniff Hassan<sup>†</sup> and  
Sharifah Thuraiya Su'ad Ahmad Alhabshi<sup>‡</sup>

*Abstract:* Syariah court judges and the decisions they make clearly have an effect on the interpretation and application of Islamic law in contemporary Muslim societies, and the educational background of those who staff these courts obviously informs the way they understand, interpret, and apply the law. To date, however, little research has been done on the educational processes by which Islamic court judges are trained to think about Islamic law. Likewise, the means by which Islamic court judges are appointed and regulated has received little scholarly attention. This article offers a descriptive overview of the training, work, and professional regulation of Syariah court judges in contemporary Singapore. This material is presented in a clear format structured to highlight key aspects of how these judges are trained, accredited, and organized. In doing so, this article not only presents new empirical data on an increasingly important class of legal professionals, but it also facilitates comparative reflections on their work in relation to that of their colleagues practicing before Syariah courts in the neighboring countries of Malaysia and Indonesia.<sup>††</sup>

## I. INTRODUCTION

The Islamic judicial system in Singapore is a product of the region's dynamic history. The current set of Islamic legal institutions dates from the period when Singapore and neighboring Malaysia were both subject to British rule.<sup>1</sup> Singapore became independent from Malaysia in 1965,<sup>2</sup> and Islamic institutions have followed different lines of development since then.

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<sup>†</sup> The author is an Associate Research Fellow at RSIS at Nanyang Technological University in Singapore. He holds a M.Sc. in Strategic Studies at the Institute of Defense and Strategic Studies at Nanyang Technological University. He received his early education in AlJunied Islamic School in Singapore, and continued his tertiary education at the Faculty of Islamic Studies, National University of Malaysia, with honors degrees in Syariah and civil law. His publications include 6 books and three translation works.

<sup>‡</sup> The author is a researcher at the S. Rajaratnam School of International Studies ("RSIS") at Nanyang Technological University in Singapore. She holds a B.A. (with honors) in History and Civilization, and a M.Ed. in Curriculum and Instruction from the Institute of Education, International Islamic University Malaysia ("IIUM").

We would like to thank S. Rajaratnam School of International Studies for allowing us to embark on this work, and Associate Professor Michael Feener for giving us the opportunity to contribute; and the Islamic Religious Council for providing critical information and resources.

<sup>††</sup> In accordance with the policies of the *Pacific Rim Law & Policy Journal*, foreign words that have entered common English usage will not be italicized. Foreign words that are not in common usage will be italicized. Arabic words will not use diacritical marks such as macrons. However, apostrophes and reverse apostrophes will be employed to signal the letters *hamza* and *'ayn*, respectively.

<sup>1</sup> AHMED BIN MOHAMED IBRAHIM, THE LEGAL STATUS OF THE MUSLIMS IN SINGAPORE 17 (1965).

<sup>2</sup> See INDEPENDENCE OF SINGAPORE AGREEMENT 1965, Aug. 9, 1965, available at [http://statutes.agc.gov.sg/non\\_version/cgi-bin/cgi\\_retrieve.pl?actno=REVED-INDEP](http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-INDEP).

Like Malaysia, Singapore has a separate Syariah<sup>3</sup> court that exercises a limited jurisdiction over the country's Muslim population.<sup>4</sup> Singapore's Syariah Court, however, operates differently from Malaysia's.

This article describes the composition and training of the Singaporean Islamic judiciary. First, though, is a brief introduction to the background of Syariah Court and its place in the history and development of the Singaporean legal system will be presented to provide context for the discussion.

## II. THE CONSTITUTION OF THE ISLAMIC LEGAL SYSTEM IN SINGAPORE

Singapore's legal system dates back to the British occupation, when the English common law was introduced to the region.<sup>5</sup> One notable feature of the region's legal system, also rooted in British practices, is the exclusion of religion and custom from the jurisdiction of the courts.<sup>6</sup> This meant that the enforcement of Islamic law and Malay *adat* were a matter to be dealt with exclusively under the authority of the Malay sultans.<sup>7</sup>

Under the Charter of Justice of 1855, all inhabitants of Singapore, including Muslims, were made subject to the common law and the jurisdiction of British courts.

In 1880, the Mahommedan Marriage Ordinance provided for the registration of Muslim marriages and divorces.<sup>8</sup> An amendment in 1957 restyled the law as the Muslims' Ordinance and also created a new Syariah Court.<sup>9</sup> After Singapore's independence, the Muslims' Ordinance was replaced in 1966 by the Administration of Muslim Law Act ("AMLA") in response to a proposal made by a committee of Muslim professionals, lawyers, and scholars.<sup>10</sup> Under the AMLA, the Syariah Court continued to

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<sup>3</sup> This is the local spelling of "Shari'a".

<sup>4</sup> Administration of Muslim Law Act, Act No. 27 of 1966, § 35 (2010) (Sing.), available at [http://agcvldb4.agc.gov.sg/non\\_version/cgi-bin/cgi\\_retrieve.pl?&actno=Reved-3&date=latest&method=part](http://agcvldb4.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?&actno=Reved-3&date=latest&method=part) [hereinafter AMLA] (institutions here refers to Government Bodies regulating Islamic Law and Muslim affairs). Since Singapore had separated from Malaysia, (according to the Independence of Singapore Agreement 1965) they have their own legislation. Since then, the government has formed a special council to regulate the Muslims.

<sup>5</sup> WALTER WOON, THE APPLICABILITY OF ENGLISH LAW IN SINGAPORE 237 (Kevin Tan ed., 1999).

<sup>6</sup> See, e.g., Tey Tsun Hang, *Excluding Religion from Politics and Enforcing Religious Harmony*, SINGAPORE J. OF LEGAL STUD. 118 (2008).

<sup>7</sup> SHAMSUL AMRI BIN BAHARUDDIN, COMPETING DOMAINS OF CONTROL: ISLAM AND HUMAN RIGHTS IN MALAYSIA 113 (Shahram Akbarzadeh and Benjamin MacQueen eds., 2008).

<sup>8</sup> IBRAHIM, *supra* note 1.

<sup>9</sup> TAI CHING LING, DIVORCE IN SINGAPORE 145 (Eddie C. J. Kuo et al. eds., 1979); WOON, *supra* note 4.

<sup>10</sup> *Id.*

have jurisdiction over disputes pertaining to issues of marriage and divorce between Muslims.<sup>11</sup>

Historically, Islamic courts consisted of a single judge called a *kadi* (*qadi*).<sup>12</sup> In the Singaporean context, *kadi* refers to the official who solemnizes Muslim marriages.<sup>13</sup> *Kadis* are assisted by a deputy called a *naib kadi*.<sup>14</sup>

The main judge of the Syariah Court is called the President.<sup>15</sup> The President presides over court hearings and has the authority to make final decisions on cases heard before the court.<sup>16</sup> The chief judge of the court is called the Senior President. In addition to full-time court officers, the Syariah Court also uses *ad hoc* Presidents who are appointed to act as President in specific cases.<sup>17</sup>

The chief administrative officer of the Syariah Court is the Registrar.<sup>18</sup> The Registrar is a judicial officer who has the authority to register and issue orders of divorce and ancillary orders.<sup>19</sup> The Registrar also administers the daily administration and schedule of hearings for the court offices.

The Appeal Board hears appeals from decisions of the Syariah Court, the *kadi*, or the *naib kadi*.<sup>20</sup> Appeal Board members have the authority to confirm, reverse, or vary the decision of the Syariah Court, exercise such powers as the Syariah Court could have exercised, make such order as the Syariah Court ought to have made, and to order a retrial or award costs as they see fit.<sup>21</sup>

### III. EDUCATIONAL QUALIFICATIONS FOR APPOINTMENT AS A JUDGE

#### A. *What Academic Degrees Qualify a Person for an Appointment as a Judge?*

Singaporean law does not require any formal educational credentials or other special training for appointment to any of the positions in the Syariah Court. By convention, a degree in law or any field of Islamic

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<sup>11</sup> AMLA, § 35.

<sup>12</sup> The Malay term “*kadi*” (derived from the Arabic “*qadi*”) refers to a judge who presides over and decides Islamic law cases.

<sup>13</sup> AMLA, § 95.

<sup>14</sup> The *kadi* and the *naib kadi* are regulated by Section 91(7) of the AMLA.

<sup>15</sup> AMLA, § 7.

<sup>16</sup> *Id.* §35.

<sup>17</sup> *Id.* §34(b).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* § 55.

<sup>21</sup> AMLA, § 55(5).

studies is considered appropriate. Qualified candidates with a diploma in Syariah or Islamic studies are also considered.<sup>22</sup>

*B. What Institutions Offer Degrees that Qualify a Person to Act as a Judge?*

The law does not specify any educational qualifications for appointment to the Syariah Court. In principle, a degree in either law or Islamic studies from any recognized university would qualify a person for appointment as a Syariah Court judge.<sup>23</sup> Among those currently serving on either the Syariah Court or the Appeal Board, approximately half hold a Bachelor of Law (“LL.B.”) degree while the other half hold a degree in Islamic studies.<sup>24</sup> All of those with an LL.B. are graduates of the National University of Singapore (“NUS”).<sup>25</sup> There are no government institutions that offer degrees in Islamic studies or Islamic law in Singapore, and the highest private Islamic institution in Singapore is the *madrasa*.<sup>26</sup> As a result, the Islamic judicial officers who hold degrees in Islamic studies are all graduates of Islamic higher education institutions abroad. Many have completed their study in other parts of Southeast Asia or the Middle East, from institutions such as the Kolej Islam in Kelang, Selangor; al-Azhar University in Cairo; University of Madina; and Umm al-Qura University in Mecca. Other universities that offer degrees in Islamic studies that are popular among Singaporeans are International Islamic University Malaysia (“IIUM”) in Kuala Lumpur, the National University of Malaysia (“UKM”), Universiti Malaya, and the State Institutes and Universities for Islamic Studies (“IAIN” or “UIN”) in Indonesia.

*C. Are the Institutions That Train Judges State Institutions, Private Institutions, or Both?*

There is no special training program in Islamic legal studies for Singaporean Muslim judges. Furthermore, because the selection criteria for

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<sup>22</sup> Interview with Jamariah Maja, Secretariat of Appeal Board, MUIS, (Sept. 12, 2009); see Appendix II “List of Personnel.”

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> There are currently six full-time *madrasas* operating under the supervision of the Islamic Religious Council of Singapore (“MUIS”). They offer six years primary, four years secondary, and two years pre-university level instruction. See Background of Madrasahs, MAJLIS UGAMA ISLAM SINGAPURA, <http://www.muis.gov.sg/cms/services/Madrasahs.aspx?id=204> (last visited Nov. 18, 2011).

appointment as a judge are confidential, it is impossible to know what unwritten qualifications, if any, are required to serve on the Syariah Court.

The educational background of the incumbents on the Syariah Court is diverse. Among those currently serving, there are approximately equal numbers of law graduates and Islamic studies graduates.<sup>27</sup> These two groups have received very different kinds of training, which informs their respective understandings of Islamic law. The law graduates, all of whom were educated at NUS, were trained in the methods and subjects of the common law as practiced in a modern capitalist state.<sup>28</sup> The website for the NUS law faculty describes the objectives of the LL.B. program as providing students with “an understanding of the basic law subjects and general principles of law that are essential for every law graduate and lawyer” and with “training in the basic skills essential for every lawyer, including analysis, research, writing, advocacy and problem-solving.”<sup>29</sup> Students are required to complete 160 units over the course of four years, including 88 credits in compulsory courses.<sup>30</sup> The compulsory curriculum is comprised of standard common law and contemporary legal subjects, including contracts, torts, criminal law, property, company law, and evidence.<sup>31</sup> The compulsory curriculum also includes more practice-oriented courses such as legal writing and research and trial advocacy. The language of instruction is English.<sup>32</sup> In recent years, the law faculty has offered Islamic law as an elective course,<sup>33</sup> most often taught by visiting professors from universities in North America.

The judges with degrees in Islamic studies are graduates of a number of different universities in Southeast Asia and the Middle East.<sup>34</sup> Judges from these programs generally have more substantial familiarity with aspects of Islamic jurisprudence and Islamic legal philosophy, in addition to the *Qur'an*, *hadith*, and Islamic theological studies. The medium of instruction would depend largely on where the universities are located. English, Malay, or Indonesian is commonly used in universities in Southeast Asia, whereas

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<sup>27</sup> See Appendix I.

<sup>28</sup> See Alexander Loke, *Forging a New Equilibrium in Singapore Legal Education*, 24 WIS. INT'L L. J. 261 (2006), for recent developments in legal education.

<sup>29</sup> NATIONAL UNIVERSITY OF SINGAPORE, 4-YEAR GRADUATE LL.B. PROGRAM, [http://law.nus.edu.sg/admissions/4\\_yrs\\_llb\\_prog.html](http://law.nus.edu.sg/admissions/4_yrs_llb_prog.html) (last visited Nov. 18, 2011).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> NATIONAL UNIVERSITY OF SINGAPORE FACULTY OF LAW, COURSE LISTINGS, [http://law.nus.edu.sg/student\\_matters/course\\_listing/courses\\_disp.asp?MT=LL&Sem=ALL&MG C=2](http://law.nus.edu.sg/student_matters/course_listing/courses_disp.asp?MT=LL&Sem=ALL&MG C=2) (last visited Nov. 18, 2011).

<sup>34</sup> See Appendix I.

Arabic would be the medium for universities located in Arab countries. Nevertheless, Arabic is considered critical to understanding Islamic law, and programs in Southeast Asia also emphasize Arabic language training as an important element in the training of Muslim jurists. Students in the Syariah faculties of such universities are not usually required to undergo practical training.

One type of program that appears to be gaining popularity in the region provides training in basic concepts of Islamic law for individuals trained in law and who do not have a background in Islamic studies. An example of such a program is the Diploma in Syariah Law offered recently by the International Islamic University of Malaysia (UKM).<sup>35</sup> The program is designed for legal professionals who do not have an educational background in Islamic law, and admission to the program requires a first university degree or equivalent.<sup>36</sup> The course of study consists of thirty-three units to be completed as a part-time study over the course of three semesters.<sup>37</sup> The courses that make up the curriculum consist of two general courses on Islamic law: Introduction to Syariah, and Islamic law and jurisprudence.<sup>38</sup> These basic modules of the curriculum are followed by courses on specific subject areas within Islamic law such as: Islamic family law and counseling, Islamic law of evidence and procedure, and Islamic contract and trade law.<sup>39</sup> A brochure for this program is reprinted as Appendix III to this article.

#### IV APPOINTMENT OF JUDGES

The appointment of Syariah Court judges in Singapore is governed by the AMLA. With respect to the appointment of court presidents, Section 34A(1) of the AMLA states “[t]he President of Singapore may appoint one or more presidents of the Court and may designate one of the presidents to be the senior president of the Court.”<sup>40</sup> The law does not specify any qualifications for appointment or criteria for selection.<sup>41</sup> The provisions relating to the appointment of *ad hoc* presidents,<sup>42</sup> marriage registrars,<sup>43</sup>

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<sup>35</sup> See Appendix II.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> AMLA, § 34A(1).

<sup>41</sup> *Id.*

<sup>42</sup> AMLA, § 34(A)(4) (“[T]he president of Singapore may appoint one or more *ad hoc* presidents of the Court for such period or periods as the president thinks fit.”).

<sup>43</sup> *Id.* § 90 (“Appointment of Registrar of Muslim Marriages: 1) the President of Singapore may appoint either by name or office any male Muslim of good character and position and of

*kadis*,<sup>44</sup> and Appeal Board members are similarly silent with respect to qualification and selection criteria.<sup>45</sup> Except for Appeal Board members, however, judges who serve the Syariah Court on a full-time basis must pass an interview and satisfy other requirements to join the civil service.

A. *What Training Is Provided to Candidates Prior to Appointment?*

There is no special training course for Islamic judges in Singapore. Newly appointed Appeal Board members are given an orientation briefing in order to familiarize them with the administration of Islamic law and Singapore's Syariah court system, and to provide members trained in Islamic studies with an overview of civil law.

Syariah Court staff periodically attends counseling courses and other training sessions offered by local universities on new legal policies, as well as issues of Islamic law. In 1999, MUIS organized a course on civil law for those members of Syariah judicial institutions who did not have previous formal legal training. Topics covered in the course included the Singaporean judicial system, equity, law of evidence, civil procedure, family law, and professional practice. A list of topics covered is included in Appendix IV.<sup>46</sup>

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suitable attainments to be the Registrar of Muslim Marriages, 2) the appointment shall be notified in the Gazette, 3) the President of Singapore may at any time by notification in the Gazette cancel the appointment.”)

<sup>44</sup> *Id.* § 91 provides

Appointment of *kadis* and *naib kadis*: 1) subject to Section 146, the president of Singapore may appoint suitable male Muslims of good character and position and of suitable attainments to be *kadis* or *naib kadis*, 2) the president of Singapore may appoint two or more *kadis* or *naib kadis* for the same district or place, 3) the letter of appointment shall: a) be in such form as the president of Singapore directs, b) be signed by the president of Singapore, c) state either: i) that the person named therein is appointed to be a *kadi* or *naib kadi* for a particular district or place, of which the limits shall be strictly defined, or ii) that the person named therein is appointed to be a *kadi* or *naib kadi* for particular schools of law (*mazhabs*), and (d) state the period the person named therein is appointed to be a *naib kadi*, 4) the appointment of a *kadi* or *naib kadi* shall be notified in the Gazette.

<sup>45</sup> *Id.* § 55(3) provides

The president of Singapore acting on the advice of the *majlis* shall at least once in every two years nominate at least seven Muslims to form a panel of persons, from among whom an Appeal Board of three, may be constituted from time to time by the president of the *majlis*. *Id.* § 55(4) (on any person appealing against a decision of the Court or applying for leave to appeal in accordance with subsection (1) or (2), the president shall select three persons to form an Appeal Board to hear such appeal or application for leave to appeal and shall nominate one of such persons to preside over the Appeal Board.

<sup>46</sup> See Appendix IV “MUIS Training Outline.”



*B. Are Candidates Required to Fill a Period of Probation or Other Pre-Appointment Service?*

Judicial candidates are required to undergo a probationary period of between three and six months following appointment to the Syariah Court. This is the standard requirement for all civil servants. No probation is required for Appeal Board members since they serve as volunteers and are not members of the civil service.

V. PROFILE OF THE SYARIAH JUDICIARY

The Islamic judiciary in Singapore is comprised of one senior president, one president, four *ad hoc* presidents, one registrar, and twenty Appeal Board members.<sup>47</sup> District judges of subordinate courts also preside as *ad hoc* presidents in the Syariah Court.

Appendix II provides a list of personnel in Singapore's Islamic legal system as of March 2011. Although the criteria for selection of judges are unknown, Appendix II suggests that the Islamic judiciary in Singapore appears is selected from a combination of personnel trained in Islamic studies and civil law.<sup>48</sup> The judge who held the position of Senior President in 2009 had received Bachelor of Arts degree in Islamic Theology from al-Azhar.<sup>49</sup> The other full-time judge on the Syariah Court at that time had a LL.B. from the NUS.<sup>50</sup> Prior to his appointment to the Syariah Court, this judge was a district judge of the Singapore subordinate courts.<sup>51</sup> Four of the six *ad hoc* presidents serving in 2009 graduated from NUS Faculty of Law, while the other three *ad hoc* presidents had degrees in Islamic studies—two from Kolej Islam Kelang in Selangor, Malaysia, and one from al-Azhar.<sup>52</sup>

The Appeal Board in 2009 consisted of a similar mix of law school and Islamic studies graduates.<sup>53</sup> As mentioned above, judges on the Appeal Board are part-time volunteers who are appointed to serve for a period two years. In addition to their diverse educational background, the Appeal Board members are engaged in a mix of professions, including civil court judges, legal practitioners, religious teachers, writers, and business people.

Four of the eighteen judicial officers for Singapore's Syariah Court are women—one legal officer, two judges, and one Islamic studies graduate

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<sup>47</sup> The jury system was abolished in Singapore in 1969.

<sup>48</sup> See Appendix II "List of Personnel."

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

who serve as Appeal Board members. Appointment of female judges was implemented only after the issuance of a *fatwa* that approved the appointment of women to serve as judges for certain situations.<sup>54</sup>

## VI. THE SUPERVISION AND REGULATION OF THE SYARIAH JUDICIARY

### A. *What Is the Career Trajectory of Syariah Court Judges and What Are the Criteria for Advancement?*

The only avenue for advancement for Islamic judges in Singapore is from president to senior president. There are no published criteria for appointment and promotion, since the selection process is confidential. Presumably, the promotion of Syariah Court officers is governed by the standard staff performance appraisal system under the ministry that oversees it. For the Appeal Board, there are no such criteria and systems of appraisal because there is no hierarchy. The Appeal Board members are all volunteers.

### B. IS THERE A CODE OF ETHICS FOR SYARIAH COURT JUDGES? WHAT ARE THE MECHANISMS FOR DISCIPLINE?

The early jurists of Islam were much concerned with judicial ethics and elaborated strict standards of judicial conduct.<sup>55</sup> However, at present, there is no formal code of ethics or system of judicial discipline applicable to Singapore's Syariah Court judges as a whole.

In 2006, MUIS issued a set of guidelines for the Appeal Board. The guidelines deal primarily with matters having to do with the duties and functions of the Board members, but they also include standards of an ethical nature. The members of the Board are enjoined, *inter alia*, to "always fear Allah when handling appeal cases and . . . get guidance from Allah in performing their duties," and to avoid conflicts of interest and withdraw from cases that involve close relatives or cast doubt on the integrity of the Board. The full text of the guidelines is set forth in Appendix I to this article.

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<sup>54</sup> Fatwa Yang Dikeluarkan Oleh Jawatankuasa Fatwa, promulgated by Majlis Ugama Islam Singapura Fatwa Committee (2006) (Sing.).

<sup>55</sup> For an overview of traditional qualifications for Muslim jurists, see MAHMUD SAEDON A. OTHMAN, KADI: PERLANTIKAN, PERLUCUTAN DAN BIDANG KUASA 44-66 (1990).

### C. WHAT PROFESSIONAL ORGANIZATIONS EXIST FOR SYARIAH COURT JUDGES?

Because of the small number of Syariah Court judges in Singapore, there are no professional organizations specifically for members of the Islamic judiciary. Organizations whose membership and concerns overlap with those of the Islamic judiciary include the Singapore Islamic Scholars and Religious Teachers Association for Islamic studies-trained judges, and the Singapore Bar Council for formally trained judges in civil law.

## VII. CONCLUSION

Detailed information on the training, appointment, and supervision of Islamic judges in Singapore, especially the selection criteria for appointment, is not made public. In general, the selection and training of Syariah Court judges in Singapore reflects the influence of the common law system that was brought to the region by the British. In contrast to the situation for civil court judges, the position of Syariah Court judges in Singapore is not a separate career path with established recruitment methods and a regular system of training and supervision. Rather, appointees to the Syariah Court typically come to the position from outside the judiciary and are expected to master their craft on the job. This approach has obvious appeal given the small number of Syariah Court judges in Singapore, but a system of strategic training programs for judges might be worth considering in the future.

The hybrid character of most contemporary Islamic legal systems poses a particular challenge in staffing the Islamic bench. Thus far, the harmonization of Syariah and legal viewpoints, which is done by consolidating legal and Islamic studies-trained Appeal Board members in all hearing panels, has worked well.

## APPENDIX I: MUIS APPEAL BOARD GUIDELINES

*The Roles of All Members of the Syariah Court of Appeal*

1. To always fear Allah when handling the appeal cases and be mindful of the heavy responsibility in being just and fair, to get guidance from Allah in performing their duties and to be protected from going astray.
2. To ensure that the cases heard do not involve close relatives or parties that can cause conflict of interest or cast doubt on the integrity of the Appeal Board. Should withdraw from the Appeal Board if faced with such a situation by immediately contacting the secretariat.
3. Read all prepared documents concerning the case that is heard.
4. Refer to past cases and other reference sources to assist in assessing the case that is heard.
5. Hear the submissions of the two parties based on the established procedures.
6. Assist in building and improving the quality of the services of the Syariah Appeal Board by giving views, becoming members of working committees and others.
7. Attend training sessions and briefings organized for the Syariah Appeal Board members.
8. Attend official functions as members of the Syariah Appeal Board, if required.
9. Guide new members of the Syariah Appeal Board.
10. Hold briefing sessions or training for members of the Appeal Board, officers of Syariah Court, law officers and others.
11. Familiarize with the provisions written down in AMLA and the specified procedures.
12. Upgrade themselves with skills and knowledge that would enable every member to play an effective role.
13. Every member should endeavor to make himself capable to be the Chairman of the Appeal Board.
14. Be prepared to be the Chairman of the Appeal Board, if required.
15. Be punctual in attending the hearing and fulfill the connected tasks e.g., preparing the judgment and the grounds of decision.
16. To refrain from practicing in the Syariah Court or appear before the Appeal Board to avoid any perception of conflict of interest.

### *The Role of the Chairman of the Syariah Court of Appeal*

1. Guide the trial proceedings based on the established procedures.
2. Read every document and ensure that the relevant case has satisfied all the procedural requirements before it is tried and that it is a case that the Appeal Board is empowered to hear as specified in AMLA.
3. Brief the panel members on the important issues, specifically to the *asatizah* member on the legal issues.
4. Obtain the views of the *asatizah* member on the issues that relate to what is *halal* (permissible) and *haram* (non-permissible).
5. Guide the appeal panel in making a decision on the case heard.
6. Deliver decision the soonest possible.
7. To record and take notes of the hearing.
8. Write the grounds of decision, if necessary, within one month from the date the hearing is concluded.

### *General Role of the Ordinary Members (Asatizah and Law Officers) of the Appeal Board*

1. Assist the chairman of the panel in the hearing to ensure that the proceedings proceed in accordance with the procedures and Syariah Law.
2. Pose questions to the disputing parties to seek further clarification.
3. To correct, give views, and advise the disputing parties, if necessary, with the consent of the Chairman of the Panel.
4. Provide opinion to the Chairman of the Panel on the case that is handled to reach a decision.
5. Assist the Chairman of the Panel to write the grounds of decision, if necessary.

### *Specific Role of the Asatizah Member of the Syariah Appeal Board*

1. To provide opinion and assist the Chairman of the Panel to make a decision on issues relating to that which is *halal* (permissible) and *haram* (non-permissible) from the *fiqh* (jurisprudence) aspect, specifically that which relates to the issues of marriage, divorce, custody of children, inheritance, and other related issues based on

- the *Asy-Syafi'ii* school and other schools of thought, if required, and to state the reasons.
2. Provide opinion and assist the Chairman of the Panel in making the decision relating to the law concerning *qadha* (court ruling) in Islam, the trial procedure and the evidence in *fiqh* (jurisprudence) based on the *Asy-Syafi'ii* and other schools of thought, if required, and to state the reasons.
  3. Provide opinion, if the issue concerned is referred to the Fatwa Committee for the purpose of obtaining a *fatwa* relating to it.
  4. Write an addendum to the grounds of decision, if an issue relating to *syariat* requires clarification.

APPENDIX II: LIST OF RELEVANT PERSONNEL IN THE SINGAPORE'S SYARIAH LEGAL SYSTEM AS OF MARCH 1, 2011

*Registry of Muslim Marriages ("ROMM")*

| No. | Name                            | Position                      | Education   |
|-----|---------------------------------|-------------------------------|---|
| 1   | Mr. Syed Ahmad Bin Syed Mohamed | Registrar/ <i>Kadi</i>        | Bachelor of Arts Degree in Syariah (Al-Azhar University, Eyp)         |
| 2   | Mr. Karim bin Ahmad             | Deputy Registrar/ <i>Kadi</i> | Bachelor of Arts Degree in Syariah (Al-Azhar University, Eyp)         |
| 3   | Mr. Nor Razak bin Bakar         |                               | Bachelor of Arts Degree in Islamic Studies (Al-Azhar University, Eyp) |
| 4   | Mr. Pasuni bin Maulan           | <i>Kadi</i>                   | B.A Kolej Islam Malaya (Islamic Education)                            |

*Syariah Court*

| No. | Name                            | Position                | Education   |
|-----|---------------------------------|-------------------------|---|
| 1   | Mr. Mohamad bin Rais ustaz      | Senior President        | Bachelor of Arts Degree in <i>Usuluddin</i> (Islamic Theology), Al-Azhar University, Eyp  |
| 2   | Mr. Zainol Abeedin bin Hussin   | President               | Bachelor of Laws (LL.B.), National Univesity of Singapore. He is also the former District Judge of the Singapore Subordinate Courts |
| 3   | Ms. Animah binte Abdul Gani     | Registrar               | Bachelor of Laws (LL.B.), National Univesity of Singapore   |
| 4   | Mr. Abdul Rahim bin Abdul Jalil | <i>Ad hoc</i> President | Bachelor of Laws (LL.B.) Degree, National Univesity of Singapore  |
| 5   | Mr. Abdul Jalil bin Razak       |                         | Bachelor of Arts Degree in Syariah (Al-Azhar University, Eyp)   |
| 6   | Mr. Shaiffudin bin Saruwan      |                         | Bachelor of Laws (LL.B.), National Univesity of Singapore. He is also the District Judge  |
| 7   | Mr. Sallim bin Jasman           |                         | Kolej Islam Kelang Selangor (Klang Islamic College, Selangor, Malaysia)   |
| 8   | Mr. Pasuni bin Maulan           |                         | Kolej Islam Kelang Selangor (Klang Islamic College, Selangor, Malaysia)   |
| 9   | Ms. Sunari binte Kateni         |                         | Bachelor of Laws (LL.B.) Degree, National Univesity of Singapore  |

*Appeal Board*

| No. | Name                                | Position  | Education   |
|-----|-------------------------------------|---|---|
| 1   | Mr. Abdul Rahim bin Abdul Jalil     | Member, District Judge  | Bachelor of Laws (LL.B.) Degree, National University of Singapore   |
| 2   | Mr. Zainol Abeedin bin Hussin       | Member, Fomer District Judge, current President of Syariah court  | Bachelor of Laws (LL.B.) Degree, National University of Singapore   |
| 3   | Mr. Syed Alwee bin Ahmad Alsree     | Member, Former District Judge.  | Bachelor of Laws (LL.B.) Degree, National University of Singapore   |
| 4   | Mr. Shaiffudin bin Saruwan          | Member, District Judge  | Bachelor of Laws (LL.B.) Degree, National University of Singapore   |
| 5   | Mr. Latiff bin Ibrahim              | Member, Legal Practitioner  | Bachelor of Laws (LL.B.) Degree, National University of Singapore   |
| 6   | Mr. Hamidul Haq                     | Member, Legal Practitioner  | Bachelor of Laws (LL.B.) Degree, National University of Singapore, Master of Laws (LL.M.), University College, London |
| 7   | Mr. Muhammad Hidhir bin Abdul Majid | Member, Deputy Chief Executive/Deputy Registrar (Legal & Enforcement) of ACRA (Accounting & Corporate Regulatory Authority) | Bachelor of Laws (LL.B.) Degree, National University of Singapore   |
| 8   | Mr. Mohamed Nasser bin Ismail       | Member, SGX's Vice President and head of regulatory policy  | Bachelor of Laws (LL.B.) Degree, National University of Singapore   |
| 9   | Haji Saripi bin Rawi                | Member, Freelance Religious Teacher   | Madrasah Al-Junied Al-Islamiah  |
| 10  | Haji Ahmad Dafir bin Kadir          | Member, Freelance Religious Teacher   | Secondary Four, Darul Ulum, Mecca   |
| 11  | Mr. Muhammad Haniff bin Hassan      | Member, Associate Research Fellow   | Bachelor of Arts (Syariah & Law), Master of Science (Strategic Studies), Nanyang Technological University             |
| 12  | Mr. Abdul Ghani bin Abdul Hamid     | Member, Freelance Writer and Malay Literature and Culture Activist  | Raffles Institution   |
| 13  | Mr. Mohd Kamal bin Mokhtar          | Member, Executive in Islamic Finace   | University of Madinah   |
| 14  | Mr. Jalaluddin bin Hassan           | Member, Entrepreneur  | B.A. (Al-Azhar University, Egypt), M.A. (International Islamic University Malaysia)                                   |
| 15  | Mr. Mohamed bin Ali                 | Member, Associate Research Fellow   | B.A. (Al-Azhar University, Egypt), M.Sc (Nanyang Technological University, Singapore)                                 |
| 16  | Mr. Mohd Yusri Yubhi bin            | Member, Mosque Religious  | B.A. (Al-Azhar University, Egypt),  |



|    |                                   |   |   |
|----|-----------------------------------|---|---|
|    | Md Yusoff                         | Officer   | M.A. (University of Malaya, Malaysia)                                     |
| 17 | Mr. Mustazah bin Bahari           | Member, Executive (MUIS)  | B.A. (University of Madinah), M.A. (National University of Malaysia, UKM) |
| 18 | Madam Harinah binte Abdul Latiff  | Member, Teacher   | B.A., Umm Al-Qura University, Mecca, Saudi Arabia                         |
| 19 | Ms. Hamidah binte Ibrahim         | Member, District Judge  | Bachelor of Laws (LL.B.) Degree, National Univesity of Singapore          |
| 20 | Madam Faridah Eryani binte Pairin | Member, Senior Executive Legal Officer, Housing and Development Board | Bachelor of Laws (LL.B.) Degree, National University of Singapore         |

APPENDIX III: DIPLOMA IN SHARIAH & LAW INTERNATIONAL ISLAMIC  
UNIVERSITY OF MALAYSIA-PERDAUS

1. *INTRODUCTION*

The Faculty of Islamic Studies has attracted serious attention among the knowledge seeking public. In line with the government's policy, several programmes and courses have been offered at this Faculty, among them, is the Diploma in Shariah Law.

This new course has been revised from the original programme that was implemented from 1987/1988 to 1994/1995. The revision has reduced the Graduate Diploma in Shariah course duration to 3 semesters, improved the contents to make it more relevant to current needs. This is so that it will meet the society's need for the theoretical and practical knowledge of Islamic law for legal officers (lawyers), experts in economics and finance, as well as those in corporate bodies.

This programme will be administered by the Consultancy and Development Bureau, Universiti Kebangsaan Malaysia.

2. *NAME AND PURPOSE OF PROGRAMME*

2.1. *Name*

Diploma in Shariah Laws (Dip. SL)

2.2. *Purpose*

The main purpose of this programme is to provide the opportunity to study shariah law and its application in Malaysia for legal professionals and individuals who do not have educational background in shariah law. It aims to achieve the following:

- To provide understanding and confidence in shariah laws, especially in increasing its application among the Muslims, and to eliminate doubts and misunderstanding among the non-Muslims.
- To study the theory and application of shariah law as well as its implementation, in order to help those involved in cases related to Islamic laws.
- To provide a comprehensive and disciplined study of the shariah law relative to current needs.

### 3. *ENROLLMENT*

#### 3.1. *The entry requirements are:*

- A General Degree from Universiti Kebangsaan Malaysia or other equivalent degrees which are recognised by the senate; or
- Advanced Diploma in Law from Mara Institute of Technology or other institutes of higher learning recognised by the senate; or
- Diploma from institutes of higher learning, as well as working experience of at least 5 years in a relevant field recognized by the senate.

#### 3.2. *The Shariah Department based on their qualifications will determine the acceptance of candidates, and acceptance or rejection made by the department is final.*

### 4. *COURSE STRUCTURE*

#### 4.1 *Course Duration and Administration*

This is an intensive part-time programme conducted over three consecutive semesters and must be completed in a maximum of six semesters.

Classes will be conducted according to the timetable that has been outlined by the Programme Manager.

#### 4.2 *Course Codes*

Candidates must take the following courses:

| <b>CODE</b> | <b>Name of Course</b>                       | <b>Unit</b> |
|-------------|---|-------------|
| PU5113      | Introduction to Shariah                     | 3           |
| PU5213      | Islamic Law in Malaysia                     | 3           |
| PU5313      | Islamic Law and Jurisprudence               | 3           |
| PU5123      | Islamic Family Law and Counseling           | 3           |
| PU5223      | Islamic Constitution and Administration Law | 3           |
| PU5323      | Islamic Law of Evidence and Procedures      | 3           |
| PU5423      | Islamic Economic and Financial System       | 3           |
| PU5113      | Siyasah Shariah (Islamic Policies)          | 3           |
| PU5233      | Law of Wealth and Taxation                  | 3           |
| PU5333      | Islamic Criminal Law                        | 3           |
| PU5433      | Islamic Contract and Trade Law              | 3           |

### 4.3 Unit Assessment And Course Hours

Each course covers three units that comprises thirty-three units.

## 5 ASSESSMENT AND AWARD OF DIPLOMA

### 5.1 Entry Requirements For Examination

- A candidate must have at least 70% attendance for lectures/seminar.
- All fees and other required payments should be settled prior to the examinations.

### 5.2 Requirement for the Award of Diploma

Universiti Kebangsaan Malaysia will award a Diploma to the successful candidates who meet the following requirements:

- Have taken all courses that are offered.
- Have obtained 30 units from the 33 course units that are being offered.
- Obtained at least an average of 2.0 cumulative grade from the total units.

### 5.3 Assessment

Assessment is based on the Average Grade Assessment as in the following:

| GRADE | VALUE | LEVEL       |
|-------|-------|-------------|
| A     | 4.00  | Pass with   |
| A -   | 3.67  | Distinction |
| <hr/> |       |             |
| B +   | 3.33  | Pass        |
| B     | 3.00  | with        |
| B -   | 2.67  | Honours     |
| <hr/> |       |             |
| C +   | 2.33  | Pass        |
| C     | 2.00  |             |
| <hr/> |       |             |
| C -   | 1.67  | Fail        |
| D     | 1.00  |             |
| E     | 0.00  |             |
| <hr/> |       |             |

The average grade assessment will be determined according to semester Average Grade Assessment (AGA) system and the Cumulative Average Grade Assessment (CAGA).

#### *5.4 Requirement to Continue Studies*

- A candidate must obtain at least 2.00 CGPA for each semester. If his achievement is less than 2.00, the candidate will be given another attempt the following semester.
- A candidate who has obtained a CGPA of less than 1.00 will not qualify to continue his studies and will be dismissed.

#### *5.5 Requirement for Supplementary Examination*

- A candidate who fails in any course is required to repeat that course at the end of the said semester.
- A candidate who fails to obtain the 30 units that are needed at the end of the semester is required to sit for the supplementary examination to complete the unit at the end of the said semester. This supplementary examination will be held at least one month after the results of the first examination.

#### *5.6 Non- Attendance For Examination And Supplementary Examination*

- A candidate who fails to attend any examination without any valid reason will be considered to have failed in the said course examination.
- Candidate who did not attend an examination due to illness or other valid reasons, is expected to forward their reasons in writing supported by the relevant documents before the commencement of the examination or as soon as possible.
- Candidates that are mentioned in the above clause will be allowed to sit for the Supplementary Examination.

#### *5.7 Deferment In Registration and Studies*

- Application to defer registration and studies, including relevant reasons for the delay must be made to the Graduate Studies Centre.
- Deferment in registration and studies will be allowed on the condition that it is not less than one semester and not more than two semesters.

- Deferred candidates will be allowed to register and attend courses, thereafter sit for examination during the semester that the said candidate has deferred.

#### 5.8 *Attendance of Course Without the Award of a Diploma*

- Candidates who are interested in the above arrangement and have the relevant educational background and work experience can apply to register and attend any courses at the existing fee.
- Candidates who are based on the above clause will not be awarded a Diploma, but they can attend the said course if it is been followed satisfactorily.
- The number of candidates that are allowed to be in this category will be subjected to the Department's decision.

#### 5.9 *Additional Requirements*

- Other matters that are not mentioned in this prospectus are subjected to the Diploma Studies and the Graduate Diploma Act of Universiti Kebangsaan Malaysia wherever it is related.
- If it is found that there are requirements not mentioned in any part of the Diploma in Shariah Law Prospectus and in the Diploma Studies Act, the Shariah Department will determine the matter.

### 6. *APPLICATION*

Those who are interested in this course, should contact PERDAUS Secretariat at:

PERDAUS (Education and Training)  
Blk 125, Bedok North Road, #01-115,  
Singapore 460125  
Tel: 443-7805; Fax: 242-5347  
Email : perdaus@singnet.com.sg

## APPENDIX IV: MUIS TRAINING OUTLINE

### OBJECTIVES

1. To familiarize court officials on legal issues and procedures in civil courts.
2. To provide brief outline on various aspects of law pertaining to Singapore judicial system, equity, law of evidence, civil procedures, family law, and professional practice.

### COURSE CONTENTS

The foundation law consists of seven modules:

1. Module 1: Introduction to Singapore legal system and the court's structure.
2. Module 2: Equity.
3. Module 3: Law of evidence.
4. Module 4: Family law and its procedures
5. Module 5: Civil procedure
6. Module 6: Professional practice
7. Module 7: Overview of the AMLA pertaining to the court's power and jurisdiction in a divorce proceeding. Reviewing the latest cases on Appeal Board decisions to rights of appeal, and issues of matrimonial property.

### MODULE 1: INTRODUCTION TO SINGAPORE LEGAL SYSTEM

#### *Contents:*

1. The Singapore court structure  
Civil courts and criminal courts
2. Judges and judicial reasonings  
Judicial precedents and statutory interpretation
3. Criminal process and brief outline of police powers
4. Legal services  
Legal profession
5. Civil procedures in magistrate, district, and high court  
Small claim procedure
6. Appellate process

## MODULE 2: EQUITY

### *Contents:*

1. The meaning of equity
2. Equity and common law
3. The general development of equity
4. Maxims of equity
5. Equitable doctrine
6. Equitable remedies
  - Specific performance
  - Rectification
  - Recession
  - Injunction

## MODULE 3: EVIDENCE

### *Contents:*

1. Introduction
2. Burden and standard of proof
3. Presumptions
4. Competence and compellability
5. Witness-examination in chief
6. Cross examination of witness
7. Similar fact evidence
8. Identification evidence
9. Corroboration
10. Hearsay-the exclusionary rules
11. Hearsay-the common law exceptions
12. Hearsay-statutory exceptions in civil law
13. Hearsay-statutory exceptions in criminal law
14. Confession and illegally obtained evidence
15. Opinion evidence
16. The use of previous judgments
17. Public policy and privilege I
18. Public policy and privilege II
19. Documentary and real evidence



## MODULE 4: FAMILY LAW AND ITS PROCEDURE

### *Contents:*

1. Outline of family law  
Practice and family court of Singapore  
Women Charter Cap. 353 and its Amendment Bill 1996
2. General divorce procedure
3. Matrimonial proceedings in the family court
4. Mediation in family disputes
5. Maintenance proceedings  
Enforcement of maintenance proceedings
6. Application for personal protection order, expedited order, domestic exclusion order, adoption application
7. Problem in family property and maintenance disputes  
Domestic violence  
Latest cases on matrimonial property disputes

## MODULE 5: CIVIL PROCEDURE

### *Contents:*

1. Organization and jurisdiction of civil courts  
(Supreme Judicature Act)
2. Sources of civil law procedure law  
Brief outline of Rules of Supreme Court and Rules of Subordinate Court
3. Jurisdiction of the Courts under Section 16-18 Supreme Court of Judicature Act Cap. 322
4. Methods of commencing civil proceedings in the high court
5. Writ of action
6. Disposal of action-without trial
7. Pre-trial procedures
8. The trial
9. Enforcement of judgment orders
10. Appeals
11. Provisional remedies
12. Originating summons procedures

## MODULE 6: PROFESSIONAL PRACTICE

### *Contents:*

1. The practicing lawyer and the legal profession
  - a. Quality and judgment
  - b. Conduct and quality of ideal lawyer
  - c. Court conduct and etiquette
  - d. Rule of advocate in our society
2. Admission to Singapore Bar
3. Lawyer in practice
  - Contract of retainer
  - Lawyer's income
4. Professional responsibility
  - Disciplinary proceedings under Legal Profession Act Cap. 161
5. Professional costs

## MODULE 7: OVERVIEW OF THE AMLA

### *Contents:*

1. Summary of important provisions in the AMLA
2. Powers and jurisdiction of Syariah Court under the AMLA
3. Latest Appeal Board decisions on rights of appeal and property disputes