This report provides Beyond the Hijab's feedback on the proposed amendments to the Administration of Muslim Law Act (AMLA) for the consultation period spanning 25 May to 22 June, 2026.

Amendments to Enhance the Syariah Court's Judicial Processes

Strengthening considerations for child welfare

Amendment to formalise SYC's powers to make orders to allow the relocation of a child outside Singapore or prevent a child from being taken out of Singapore. (Paragraph 12 of the paper here: https://go.gov.sg/amla-consult)

We agree with the amendment to formalise SYC's powers to make orders to allow the relocation of a child outside Singapore or prevent a child from being taken out of Singapore. This is a welcome change as it streamlines the process, allowing these decisions to be addressed during the divorce process instead of requiring separate applications.

Amendment to include a provision clarifying that the paramount consideration of SYC when dealing with matters relating to children is the welfare of the child. (Paragraph 13)

While we agree that the paramount consideration of the child's welfare must be central, there should be further detailing on the mechanisms or procedures by which the welfare of the child will be taken into account during adjudication.

Furthermore, regarding local muslim divorce and maintenance of minor children, while the Syariah Court has powers to make orders on maintenance of minor children (section 35(ca) and section 52(3) of the AMLA), in practice, the Syariah Court has not done so. Instead, pursuant to the conclusion of the divorce at the Syariah Court, the parent who has custody of the child must then make an application for maintenance at the Family Justice Court.

This places undue burden - in terms of time, effort and financial resources - on the parent seeking maintenance for their child. This additional complexity directly contravenes the principle that the child's welfare should be paramount.

Therefore, it is also crucial that this is also fully implemented in practice to ensure consistency with the law and prevent duplicity in proceedings.

Reducing the administrative burden on Muslim couples undergoing divorce

Amendment to simplify some procedural requirements for divorce proceedings, i.e. to remove the need for hakam for cases of talak tafwidh, and to allow SYC the discretion to waive requirements for applications on the ground of fasakh. (Paragraph 14-16)

Regarding the amendments aimed at reducing the administrative burden on Muslim couples undergoing divorce

We welcome the efforts to reduce the administrative burden on Muslim couples undergoing divorce, recognizing that this process is already emotionally and financially taxing. We have several specific recommendations to further reduce the administrative burden, which we will outline below:

1. **Greater clarity regarding timelines and consequences of delays:** According to local legal practitioners, the process is set out such that in cases where parties are seeking an amicable divorce, the Syariah divorce process is one that provides a speedy and fair outcome. However, if parties are going through an acrimonious divorce, there are many stages in which parties have made attempts to delay proceedings. Local advocates have shared anecdotal cases of men who delay proceedings by making excuses about being unable to file their documents on the Syariah Court portal, being unable to find legal representation, needing more time to prepare their financial documents, etc., leading to the postponement of mediation sessions and Pre-Trial Conferences for over 6 months. These individuals have exploited loopholes in the court's enforcement mechanisms to ignore deadlines and maximize delays. These delays are particularly detrimental to the stability of the children's family situation, prolonging their exposure to marital conflict and emotional instability. Therefore, we recommend implementing greater clarity regarding procedural timelines, explicitly detailing the consequences of delays, and establishing clear, justifiable criteria for granting extensions.
2. **Legal advice for women who waive their rights:** Due to these delays, we have seen cases whereby the men, who know that their wives are seeking a quick divorce to avoid stress and financial burden, use the time factor as a bargaining chip to get their wives to agree to waive nafkah iddah, mutaah, and other claims relating to the matrimonial assets. In our interviews with women, they have also mentioned that they are often unaware of their rights and what they are able to ask for. To safeguard women's legal rights against such coercion, we strongly recommend that SYC require that any wife waiving these claims receive legal advice before participating in mediation. This ensures that wives fully understand the legal implications and rights they are relinquishing.
3. **Set up a helpdesk and provide empathetic and trauma-informed support:** In line with the above recommendation to reduce delays, we recommend setting up a dedicated helpdesk facility where court officers can provide direct administrative support. They can assist with the filing of documents if applicants bring their draft documents, similar to the administrative support provided by the Service Bureau for civil cases or the help centre at the State courts. We also recommend that officers are trauma-informed and all assistance is delivered with the empathy and respect necessary to acknowledge the high level of emotional distress individuals experience throughout this process.

4. **Streamline the divorce process, especially in cases of family violence:** In cases involving family violence, SYC must prioritize the immediate safety and secure housing of all vulnerable individuals and children. Given that prolonged administrative delays directly compromise the safety and stability of the family unit, we strongly recommend that SYC streamline the divorce process, especially in cases of family violence, to safeguard the well-being of the vulnerable individuals and child.
5. **Publish a comprehensive step-by-step guide:** The absence of clear, accessible information on the SYC website creates unnecessary stress for individuals already experiencing high emotional distress from marital breakdown, as they are forced to navigate complex legal procedures without adequate guidance. To improve accessibility, we recommend that SYC publish a comprehensive step-by-step guide on how to file and serve a divorce application (similar to what is available for POHA), including a more comprehensive flowchart of the process, a glossary of legal terminologies and information about the legal rights of each party involved.
6. **Improve functionality of the online portal:** There are significant user experience issues with regards to the online portal, including lack of notification systems, difficulties in document submission, payment processing, and frequent downtime during peak hours. We recommend upgrading the portal to improve functionality and scheduling maintenance outside of peak access times.
7. **Increase financial and operational support for SYC:** We are also concerned over the long postponements of 3 months each time an adjournment is granted at mediation or at a hearing due to the availability of the mediators, registrars and presidents. Such delays affect access to justice and have disproportionate impacts on women who are often the primary caretakers of children, and who may have difficulty in finding and maintaining employment while going through protracted divorce proceedings. We recommend that more financial and operational support be provided to SYC to ensure sufficiently quick and effective services.
8. **Mandatory trauma-informed and gender-sensitivity training for counsellors:** While we support the availability of counselling for individuals undergoing divorce, they should receive non-judgmental and non-directive support, to assist them in making their own decisions, not to “save marriages”. The decision to divorce is a highly personal one made for complex reasons. Spousal violence, abuse and persistent disrespect, for example, can erode self-esteem and confidence. If vulnerable individuals in such cases undergo a programme aimed at “saving” marriages, it may place undue pressure on them to preserve a marital relationship at the potential expense of their safety and well-being. We recommend mandatory trauma-informed and gender-sensitivity training for all counsellors operating within the SYC framework, regardless of whether they are based at FSCs or SYC-linked services.
9. **Mandatory training and accreditation of mediators:** To ensure that mediation serves its intended purpose of facilitating amicable resolutions rather than causing further distress, we recommend that SYC mediators be formally trained and accredited by the Singapore Mediation Centre.

Regarding the amendment to simplify some procedural requirements for divorce proceedings, i.e. to remove the need for hakam for cases of talak tafwidh, and to allow SYC the discretion to waive requirements for applications on the ground of fasakh

We welcome the proposal that SYC need not appoint hakam (marital conciliators) in cases where both parties agree to dissolve the marriage by way of talak tafwidh.

However, we recommend that the requirement for sworn testimony of two witnesses in certain applications of fasakh should be automatically waived rather than being left up to the discretion of SYC, in order to reduce the disproportionate burden placed on women. The difficulty in securing two witnesses is compounded by the intimate and private nature of marital life, which often occurs within the confines of the marital home (especially in modern nuclear families common in Singapore).

In the same vein, we strongly recommend that AMLA ensure that both men and women have equal rights to divorce including the grounds for divorce and standards of proof.

Women face a significant burden in divorce proceedings, as they are required to provide extensive evidence that can be difficult, expensive, or time-consuming to gather. In all judicial divorce (fasakh) cases initiated by women, including those based on a husband's purported cruel treatment, a wife's testimony alone is insufficient to prove grounds for divorce.[1] Both conditional and judicial divorces require some form of admissible evidence to be produced by women.

Men who are seeking divorce based on the pronouncement of talaq only has to provide evidence of such pronouncement, while in cases where talak has not been pronounced, women have to furnish further evidence to satisfy the grounds listed under fasakh or taklik, and procure two witnesses.

Amendment to empower SYC to make orders on the division of matrimonial property upon a foreign Muslim divorce. (Paragraph 17)

We agree with the amendment to empower SYC to make orders on the division of matrimonial property upon a foreign Muslim divorce. This is a welcome change, as it addresses the inefficiency of requiring claimants to pursue matters in two different courts for a single divorce, thereby reducing the time and costs involved.

Amendment to empower SYC to make child-related orders upon a foreign Muslim divorce. (Paragraph 18)

We agree with the amendment to empower SYC to make child-related orders upon a foreign Muslim divorce. However, given the expanded scope, we also recommend that more financial and operational support be provided to SYC to effectively manage this increased workload without causing further delays.

[1] Section 49(4), AMLA (1966)

Amendments to align ROMM marriage processes with the provisions of the Women's Charter

Amendment to prescribe a minimum period of stay for Muslim marriages involving a party who is neither a Singaporean Citizen nor Permanent Resident. (Paragraph 19)

We agree with the amendment to prescribe a minimum period of stay for Muslim marriages.

Other issues

Although these issues were not addressed in the amendment, we would like to reiterate the recommendations we had made in our CEDAW shadow report, as well as those of the United Nations CEDAW Committee in their concluding observations.

Child marriage

The minimum legal age for marriage is 18 years for Muslim females and males.[2] However, Section 96(5) of AMLA provides that a Kadi may authorize the marriage of a girl below 18 years but has attained the age of puberty.[3] The law does not stipulate an absolute minimum age below which a marriage may not be authorized.

Since the government has stated that "such marriages are rare, and the number has declined from 12 (0.2 per cent) in 2017 to 5 (0.08 per cent) in 2021" under AMLA, setting the minimum age of marriage for individuals to 18 years without any exceptions will ensure that the law prevents the few cases that may occur regardless of circumstances.[4] Marriage is too significant a commitment, with far-reaching and lifelong consequences, for those under the age of 18 – who are inherently vulnerable – to enter into it.

We recommend AMLA to:

- Enforce 18 years as the absolute minimum age of marriage for Muslims and remove all legal loopholes that allow for exceptions. This aligns with the recommendations made by the UN CEDAW Committee's concluding observations (Paragraph 60(d)).[5]

[2] Section 96(4), AMLA (1966)
[3] Section 96(5), AMLA (1966)
[4] Singapore Reply to the List of Issues on Singapore's Sixth Periodic Report, U.N. Doc. CEDAW/C/SGP/RQ/6 (2023), Para 130, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSGP%2FRQ%2F6&Lang=en
[5] Concluding observations on the sixth periodic report of Singapore, U.N. Doc. CEDAW/C/SGP/CO/6 (2024), Para 60(d),

Polygamy

Polygamy is a criminal offence for non-Muslims in Singapore. But as per the AMLA, a Muslim man may marry up to four wives at one time. He is required by law to seek the permission of the Kadi to enter into a polygamous marriage.[6] The Kadi must hold an inquiry and will have separate appointments held with the current wife or wives, the male applicant, and the proposed spouse.[7]

Despite the need to get approval for subsequent marriages, Singaporean Muslim men bypass this procedure by marrying Muslim women from other countries such as Indonesia or Thailand, where approval is not needed. These non-registered marriages leave Muslim women and their children in highly vulnerable situations socially, financially and psychologically and there are little or no consequences on men.

If polygamy remains legal, we urge stronger protections for the first wife. Currently, the first wife may voice objections, lodge an appeal with MUIS, and/or file for divorce on the ground of her husband's inequitable treatment resulting from the polygamous marriage.[8] Yet these safeguards place an onus on her to proactively act to obstruct the second marriage or to seek divorce, which may be difficult for vulnerable or dependent individuals. The default position in the law should more fully protect the first wife.

Furthermore, the declining rate of legal polygamous marriages indicates that more Muslim couples are refraining from plural marriages and/or the practice is losing social acceptance.[9]

We recommend AMLA to:

- Prohibit polygamy by Singaporean Muslim men. This aligns with the recommendations made by the UN CEDAW Committee's concluding observations (Paragraph 60(b)).[10]
- Alternatively, adopt a rebuttable legal presumption that the applicant will not be able to be fair and/or provide equally for both his existing spouse and the potential wife.
- Provide a model, standard marriage contract with options for the couple to prohibit polygamy within the marriage and for a wife to explicitly enunciate a monogamous marriage.

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https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSGP%2FCO%2F6&Lang=en

[6] Section 96(3), AMLA (1966)

[7] Marriage.gov.sg, "Interview with Kadi", https://www.marriage.gov.sg/muslim/marriage-process-polygynous/interview-with-kadi

[8] Singapore State party report, U.N. Doc. CEDAW/C/SGP/6 (2021), Para 223, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSGP%2F6&Lang=en

[9] Ibid.

[10] Concluding observations on the sixth periodic report of Singapore, U.N. Doc. CEDAW/C/SGP/CO/6 (2024), Para 60(b), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSGP%2FCO%2F6&Lang=en

- On the Syariah Court's web page on polygynous marriage, (1) state that consent of the first wife is required; and (2) clearly outline other factors that are considered by the Kadi; and (3) an explanation of the legal and practical consequences of those who choose to circumvent Singapore's laws by marrying overseas.
- Provide education and discussions on (1) the strict preconditions of polygamy; and (2) an explanation of the legal and practical consequences of those who choose to circumvent Singapore's laws by marrying overseas, in marriage preparation programs and public education campaigns.

Inheritance

The provisions with regard to division of assets are unequal to men and women. In many instances, for example in the cases involving widows and widowers as well as siblings, a woman is entitled to half the share of a man. The UN CEDAW Committee has recommended that Muslim women have equal rights with men to inheritance (Paragraph 60(c)).[11]

The current rules can result in inequality and hardship when often the daughters or wives are the main caregivers in the family yet only receive half the share of male heirs.

We recommend AMLA to:

- Revert to the legal position before the operationalization of AMLA (in 1968) to provide Muslims the option to choose whether to distribute their estate and assets, upon death, under Muslim law or civil law.

[11] Concluding observations on the sixth periodic report of Singapore, U.N. Doc. CEDAW/C/SGP/CO/6 (2024), Para 60(c), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSGP%2FCO%2F6&Lang=en