

OPENING ADDRESS by Justice Debbie Ong
OPENING OF THE MUSLIM PRACTICE COURSE
13 October 2018

Senior Parliamentary Secretary Mr Amrin Amin,
Colleagues in the Centre for Asian Legal Studies of the NUS Law Faculty,
Guests and Participants of the Course,

1. Family Justice in Singapore is in general, accessible to everyone, Muslims and non-Muslims. Broadly speaking, where the Syariah Court has jurisdiction over certain family matters, the civil court does not have jurisdiction. But outside these areas, the civil Courts have the jurisdiction to assist Muslim parties. For example, a Syariah Court Order may be treated as an Order of the Family Court and be enforced at the civil Family Justice Courts, the FJC.

2. The more common orders enforced in FJC are maintenance orders. Where orders other than maintenance orders are alleged to have been breached - such as child access orders or orders on the division of matrimonial assets – and a Muslim party seeks enforcement of these breaches at FJC, the parties will first be referred to mediation to facilitate the amicable resolution of the dispute. We call these cases “BOSCO” cases – BOSCO stands for Breach Of Syariah Court Orders. If mediation fails to resolve the dispute, the parties may then seek further advice on their rights, such as pursuing committal proceedings in FJC.

There were 259 BOSCO cases in 2015, 241 in 2016 and 174 in 2017. Thus on average, there are about 220 BOSCO cases at FJC every year.

3. FJC and the Syariah Court share a strong working relationship. The 2 Courts have long shared best practices on registry processes. Amendments to the Administration of Muslim Law Act were passed recently last year – they were aimed at strengthening Muslim families and institutions. Amendments to the Muslim Marriage and Divorce Rules were made and published more recently this month - these will come into effect later this month on 22 October 2018. These procedural rules have been refined and clarified with reference to the civil Family Justice Rules used at FJC. The main objectives of the amendments are to promote a less adversarial approach to divorce and to better protect the interests of the child - objectives shared whole-heartedly by the civil family justice courts.

4. The two Courts also facilitate training of the judges from both Courts. The newly appointed Presidents in the Syariah Court are invited for learning attachments at FJC as part of their training.

“Cross–training” is also facilitated. For example, Child Focused Counselling was conducted by FJC’s Court Specialists for the Syariah Court and its partners in 2014, while the Syariah Court conducted training on the legal principles of Syariah Law for FJC judges in 2015.

Last October, Syariah Court’s Senior President Alfian Yasrif Kuchit was a trainer in the Mediation Workshop organised by FJC at the 1st ASEAN Family Judges’ Forum in Manila. His presentation entitled “Application of mediation in the Syariah Court” showcased how the Singapore Syariah Court has utilised mediation and counselling in its work.

5. As for substantive Family law and justice - although there are differences, there are also many similarities and shared aspirations in Muslim and non-Muslim family law and practice. In an article published in the 2018 issue of the Singapore Academy of Law Journal, the author Mr Ahmad Nizam Abbas observed:

... the Syariah Court has demonstrated how it is possible to assimilate civil law practices and principles without compromising its beliefs and identity. The civil court has on its part handled issues touching on Muslim law with great sensitivity.

6. This Muslim Law Course launched today is a wonderful initiative in which family lawyers and judges from both Muslim and non-Muslim practices can, together, deepen their knowledge on many relevant legal, jurisprudential and substantive aspects of Muslim law and practice.

7. I congratulate NUS, MUIS and the Syariah Court for having developed these modules, which will go a long way in providing judges and lawyers with deeper insights into this area of Muslim law.

8. I would like to thank the Centre for Asian Legal Studies of the NUS Law Faculty for inviting me for this Opening and for welcoming the FJC judges in the Programme.

9. I wish you all an enriching learning journey. Thank you very much.

Justice Debbie Ong
Presiding Judge, Family Justice Courts
13 October 2018