

Structure of the Syariah Court and its Jurisdiction

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Any problems that arise pertaining to Syariah matters and the parties will have to go to the Syariah Court to determine their claims. Even though Syariah law provides regulations in all aspects, the Syariah law that is applicable in Malaysia is confined to only personal matters, amongst others; the law on marriage and divorce and the distribution of estates before and after death. Details of the subject matter can be found in the Federal Constitution, List ii schedule 9.

The Syariah Court is classified into three categories -

- Syariah Subordinate (lower) Court,
- Syariah High Court
- Syariah Appeal Court.

Most subject matters begin in the Syariah Subordinate Court, except on matters pertaining to custody of children and the division of matrimonial assets ('harta sepencharian'). These are under the jurisdiction of the Syariah High Court. The Syariah High Court hears appeals from the Syariah Subordinate Court and it may revise decisions of the lower court. Besides that, any claim above Fifty Thousand Ringgit Malaysia (RM50000) is also heard in the Syariah High Court.

However, in Selangor, the minimum amount is One Hundred Thousand Ringgit Malaysia (RM100000). The Syariah Appeal Court hears appeals from the Syariah High Court.

The jurisdiction of the Syariah Court is divided into both, criminal and civil. Different procedures apply in both jurisdictions. Only a Muslim, either by birth or by way of conversion, can go to the Syariah Court.

Note: The Syariah Court can hear cases where a non-muslim is also a party to the proceedings. The Federal Constitution does not clearly state that the non-muslim cannot be called as a witness.

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