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EMPOWERING WOMEN IN MATRIMONIAL PROPERTY: A CASE STUDY IN SELANGOR

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Abstract:

The passage of time and era has greatly changed the role of women in the family institution. In Malaysia, women's rights are empowered in matrimonial property as recognized by the Islamic Family Law in every state including the State of Selangor where it can be claimed by reason of divorce, polygamy or death. However, cases of matrimonial property claims are confusing to women due to several problematic factors such as lack of information, lack of awareness and lack of knowledge of their procedures and rights, thus causing them to feel persecuted by the implementation of this law. The matrimonial property claim is important because it can prove and guarantee the ownership of a woman's property during the marriage period. The purpose of this research is first, to understand women's rights in matrimonial property according to sharia, second to identify women's issues and problems in matrimonial property claims and the third objective is to analyse women's awareness of matrimonial property. This research method is based on the distribution of questionnaires through the Google Form link that has been shared and answered by women respondents in Selangor according to the level of likert scale. The findings of the data are described in a descriptive analysis of their level of awareness, knowledge and understanding in matrimonial property claims. The results of the study on the empowerment of women in matrimonial property in Selangor have shown achievements at a positive level due to good background factors and high understanding from them.

Keywords:

Empowering Women, Empowering Family, Islamic Law, Islamic Family Law, Matrimonial Property Issues

Introduction

In the Jahiliah era, before the advent of Islam, women were treated with contempt. They are not valued, their right to life is taken away, oppressed and oppressed without compassion. They were traded, had no rights over themselves and could not inherit property. (Mohd Khairul Ismail et al., 2014) After the advent of Islam, tyranny and violence against women were eliminated. The position of these women is empowered as mothers, wives and children have been elevated in the religion of Islam and their rights are given accordingly such as the right to own and manage property, inherit property and so on which at the same time bring a very big and very significant change to the empowerment of female status. In Malaysia, women have got all the main rights they want whether in terms of employment opportunities, in the economic field, property ownership, the right to speak and so on. In fact, the Malaysian government has set that by 2020, 30 percent of government policy makers will be women. The government has also set up a special ministry to safeguard the rights and development of women in Malaysia. While the family-related rights of a Malaysian Muslim woman are clearly defined in the Islamic Family Law of each state. The purpose of this legislation was created to give justice to women so that they get the rights they deserve and are not oppressed. In addition, it also aims to enable women to claim the rights that should be given based on the demands of Islamic Law. (Penang Syariah Judiciary Department, 2015)

This Islamic Family Law has provided many rights for them including detailed provisions on women's rights after divorce, death or polygamy especially in matrimonial property. The Islamic Family Law has reorganized the provisions in a more orderly manner to better ensure the protection of the rights of Muslim women in family affairs. (Mohd Khairul Ismail et al., 2014) In this regard, Islam also recognizes each individual's ownership of property. Every individual including husband and wife is entitled to own any property due to the marriage bond. Islam in no way denies or limits such rights. Islam considers matrimonial property as a way of recognizing property that can be owned by a person on the effort to own the property. The empowerment of women, especially related to knowledge of matrimonial property, is important to ensure that they are aware that they have a right to their lives, especially the right to make decisions and determine what they want. (Noor Carmelita Mohamed Noor, 2015) The ability of Muslim women needs to be empowered in realizing the rights of matrimonial property claims because it is closely related to their knowledge and understanding of the rights that should be owned. Awareness of women is a necessity in getting their due rights.

Problem Statement

The passage of time and era has greatly changed the role of women in the family institution. The contexts of modernization, urbanisation and globalisation have led much to their development and influence in the family economy among the important elements leading to the changing landscape of women's role in the family. (Ismahalil Ishaq) However, they are also not exempted from experiencing various family problems as a result of the parties failing to comply with family obligations provided by the Qur'an. In Malaysia, women's rights are empowered in matrimonial property as recognized by Islamic Family Law in every state including the State of Selangor where it can be claimed by reason of divorce, polygamy or death. However, cases of matrimonial property claims are confusing to women due to several problematic factors such as lack of information, lack of awareness and lack of knowledge of their procedures and rights, causing many to feel oppressed as a result of the implementation of this law. (Balkish Awang, 2021) The lack of understanding of Muslim women on the rights of wives from the aspect of Islamic law has resulted in many cases of women not making

marital property claims after divorce. While Muslim women are more likely to claim matrimonial property because it is eligible for them whether working or housewives as long as they carry out their responsibilities well including taking care of children and household throughout the marriage. Even women whose husbands have died are entitled to claim matrimonial property before the property is divided through the faraid method or division of inheritance. (Latifah, 2016)

Due to the lack of knowledge on the right to claim matrimonial property in the law, one of the reasons why some women choose to remain in the marriage bond despite having been plagued by various marital conflicts for several years. Some wives are neglected by their husbands outwardly and inwardly, hanged untethered, face domestic violence and are emotionally abused. However, the group had to choose to defend the marriage that was already destroyed because they felt that their fate and children would not be defended if they chose the path of divorce. In addition, in the COVID-19 pandemic situation, it also has a more severe impact, especially with the implementation of the Movement

Methodology

In this study, the research instrument used the quantitative method. Quantitative studies refer to discrete and precise numbers. It is produced in the form of numerical data, which is an objective form and is a method that usually uses statistical analysis. The quantitative data of this study is based on the results of the distribution of questionnaires conducted to women in Selangor on matrimonial property. In this regard, the questionnaire method is also implemented as a research instrument. The study is in the form of a questionnaire because it is easy to design, covers all areas of study and protects respondents' information. The questionnaire provided is in the form of closed questions to facilitate the respondents to make a choice of answers as well as easier for the data analysis. Here, the answers to the questionnaire are not evaluated based on wrong or right but aims to see the levels of awareness of women in Selangor in matrimonial property claims.

Results and Discussion

In this study, there was the participation of 85 respondents who participated in the questionnaire. Refer to Part A which is the demographic profile of the respondents which contains five questions related to name (total female gender) age, marital status, education level and occupation status. Therefore, table 1 below is analysed based on the demographic data of the respondents in terms of frequency and percentage which will be described as in Figure 1 to Figure 5.

No	Categories	Frequency	Percentage %
1.	Name (all female gender)	85	100%
2.	Age		
	20-29 years	21	24.7%
	30-39 years	10	11.8%
	40-49 years	31	36.5%
	50-59 years	20	23.5%
	Others (60-65 years)	3	3.5%
3.	Marital Status		
	Single	21	24.7%
	Married	57	67.1%
	Widow	7	8.2%
4.	Level of Education		
	UPSR	-	-
	PMR/ PT3	-	-
	SPM	5	5.9%
	DIPLOMA/ STPM/ STAM	19	22.3%
	DEGREE	56	65.9%
	Others (MBA, MASTERS, PHD)	5	5.9%
5.	Occupation Status		
	Working	57	67.1%
	Housewife	15	17.6%
	Student	13	15.3%

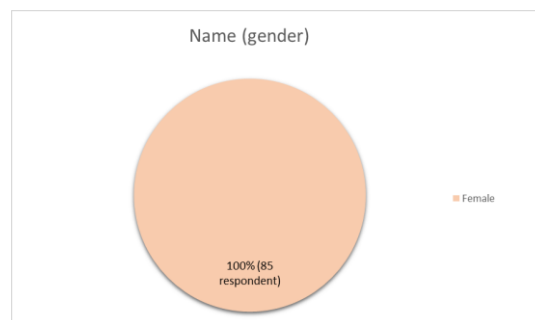


Figure 1: Name (All Female Gender)

Based on figure 1, the data analysis of part A (name), has involved all 100% (85 people) women from Selangor because the questionnaire focuses on the empowerment of women in matrimonial property in Selangor. This is because women have been granted their rights in Islamic Family Law such as marital property claims. Therefore, it is important for these women to be aware of their position in the marital property claim.

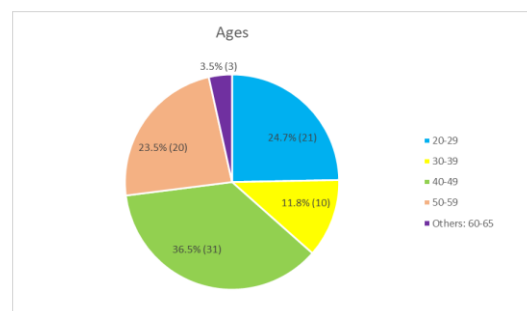


Figure 2: Ages

Figure 2 shows the analysis of section A (age) data of respondents divided according to five age groups. The first circle was from those aged 20 to 29 years comprising 24.7% (21 people). The second group was aged 30 to 39 years which comprised 11.8% (10 people). The third group is from those aged 40 to 49 years which comprises 36.5% (31 people). The fourth level is those aged 50 to 59 which is 23.5% (20 people). The fifth stage is the respondents who are only 60 to 65 years old which consists of 3.5% (3 people). Therefore, this study has involved respondents starting from the age of 20 years and above because this age is suitable to analyse the level of awareness of women in matrimonial property.

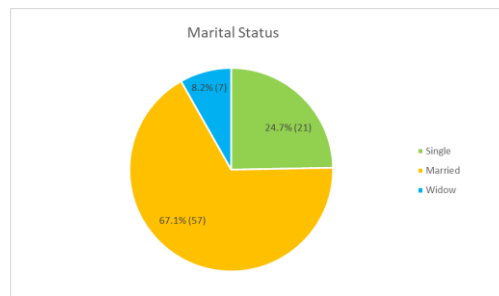


Figure 3: Marital Status

Based on figure 3, the data analysis of part A (marital status), has involved respondents who are married which includes 67.1% (57 people), followed by respondents with single status which consists of 24.7% (21 people) and the remaining respondents with widow status amounting to 8.2% (7 people). This study has shown that women who are married and have the status of wives are the most likely to respond to the survey because it is more in line with their position in the claim of matrimonial property that is property acquired by the couple during the period of marriage.

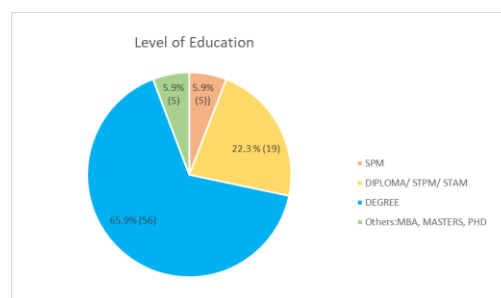


Figure 4: Level of Education

Figure 4 shows the data analysis of part A (education level) of respondents consisting of various qualifications namely SPM amounting to 5.9% (5 people), followed by those with DIPLOMA/ STPM/ STAM qualification which is 22.3% (19 people), respondents from DEGREE qualification which includes the highest percentage of 65.9% (56 people) as well as respondents consisting of other qualifications such as MBA, MASTERS and PHD amounted to 5.9% (5 people). Thus, this study has involved all respondents with educational and learning backgrounds that have influenced their understanding in answering the survey on women's awareness in matrimonial property.

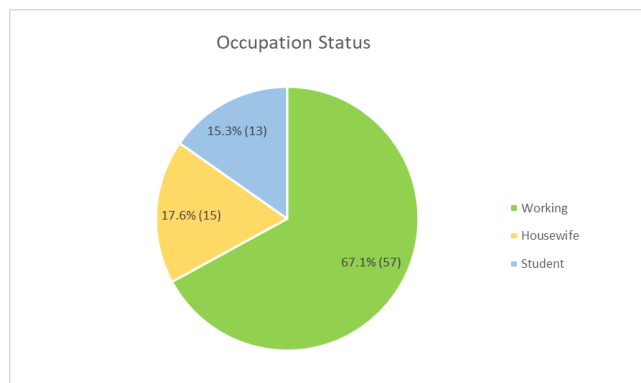


Figure 5: Occupation Status

Based on Figure 5, the data analysis of part A (occupation status), has involved respondents who are working which includes the highest percentage of 67.1% (57 people), followed by respondents with housewife status which consists of 17.6% (15 people) and those who are students amounted to 15.3% (13 people). Analysis of these data has shown that working women and housewives are the factors that influence the response of this study on the empowerment of women in matrimonial property claims based on their element contribution.

Objective: To Analyse the Awareness Among Women In Matrimonial Property.

In this study also further has shown the findings of the answers from a total of 85 respondents who participated in the questionnaire. Refer to Part B which is the objective of the study to analyze the awareness of women in matrimonial property. A total of 12 statements have been outlined related to the knowledge, understanding and awareness of women from Selangor on matrimonial property claims. Based on the data obtained from table 2, respondents gave answers based on a scale of 1 (strongly disagree), 2 (disagree), 3 (neutral), 4 (agree) and 5 (strongly agree). Therefore, table 2 below is described based on the data of the results of respondents' feedback on each of the 12 questions in terms of frequency, percentage and mean and analysed through Graph 1 to Graph 12.

No	Particulars	Scale					Mean
		1	2	3	4	5	
1.	Answer question 1	1.2% (1)	-	4.7% (4)	21.2% (18)	72.9% (62)	4.65
2.	Answer question 2	-	2.4% (2)	9.4% (8)	30.6% (26)	57.6% (49)	4.44
3.	Answer question 3	-	1.2% (1)	15.3% (13)	32.9% (28)	50.6% (43)	4.76
4.	Answer question 4	1.2% (1)	10.6% (9)	30.5% (26)	31.8% (27)	25.9% (22)	3.71
5.	Answer question 5	1.2% (1)	2.4% (2)	21.1% (18)	34.1% (29)	41.2% (35)	4.12
6.	Answer question 6	3.5% (3)	4.7% (4)	24.7% (21)	37.7% (32)	29.4% (25)	3.85
7.	Answer question 7	2.4% (2)	4.7% (4)	20% (17)	27.1% (23)	45.8% (39)	4.09
8.	Answer question 8	-	2.4% (2)	12.9% (11)	23.5% (20)	61.2% (52)	4.44
9.	Answer question 9	-	5.9% (5)	18.8% (16)	38.8% (33)	36.5% (31)	4.06

Table 2: Data of Respondents' Feedback Results on Each 12 Questions.

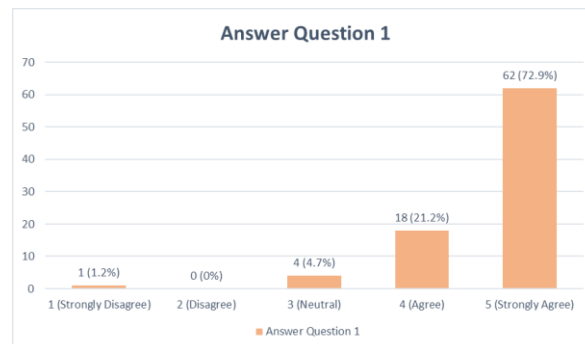


Figure 6: Understanding the Meaning of Matrimonial Property According to Islamic Law

The analysis in graph 6 shows the understanding of the meaning of matrimonial property according to Islamic Law. It was found that 62 people out of 85 respondents (72.9%) strongly agree, followed by respondents who only answered as many as 18 people (21.2%). While the respondents who answered neutral (not sure) were 4 people (4.7%) and the rest who answered strongly disagree was one person (1.2%). For the total mean on this question scale is 4.65. Therefore, the overall level of understanding of Selangor women is at the level of strongly agreeing on the meaning of matrimonial property as property acquired jointly by the husband and wife during the marriage in force according to the conditions determined by Sharia Law.

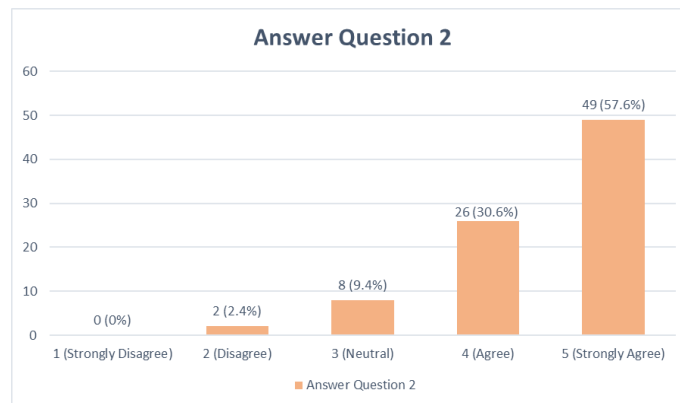


Figure 7: Awareness of Women's Rights in Matrimonial Property Claims in The Islamic Family Law Act/ Enactment in Each State

The analysis of Figure 7 shows the respondents' awareness of their rights in matrimonial property claims under the Islamic Family Law Act/ Enactment in each state. The highest percentage answered by the respondents was 57.6% which is 49 people and as much as 30.6% as many as 26 people also agreed. While 9.4% or 8 people answered to be neutral (not sure) on the awareness of their rights based on the statement. In this case there are only a handful of respondents who do not agree, which is 2.4 % of 2 people. The mean value based on this question scale is 4.44. The results of the study found that the level of respondents' answers at the level of agreement which explains that women in Selangor are aware that women's rights in matrimonial property claims in the Islamic Family Law Act/ Enactment of each state has been empowered.

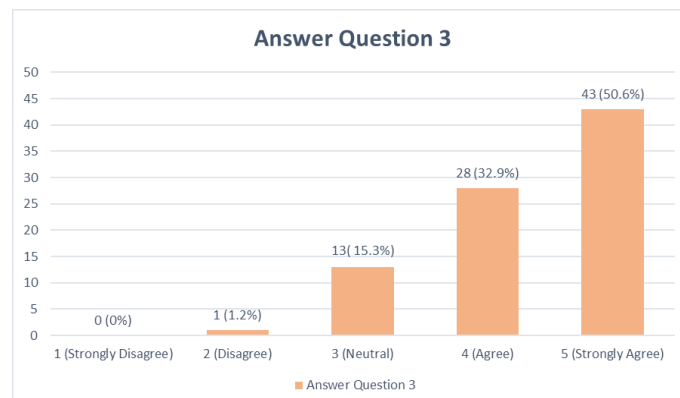


Figure 8: Knowledge of Matrimonial Property Claims in The Selangor Syariah High Court and in Each State.

The next analysis of Figure 8, related to the respondents' knowledge of matrimonial property claims in the Selangor Syariah High Court and in each state. The majority of respondents strongly agree with a total percentage of 50.6% which includes a total of 43 people. After that, the number of respondents who agreed with the knowledge was 32.9% which is 28 people while the remaining respondents have chosen to be neutral (not sure) by 15.3% which is 13 people. However, there was only one (1.2%) of the respondents who disagreed. Through the

average answer scale of this question with a mean value of 4.76, I have been able to identify the level of feedback of the respondents is at a very agreed level. Thus, it can be interpreted that women in Selangor know very well the place to claim matrimonial property, namely in the Selangor Syariah High Court.

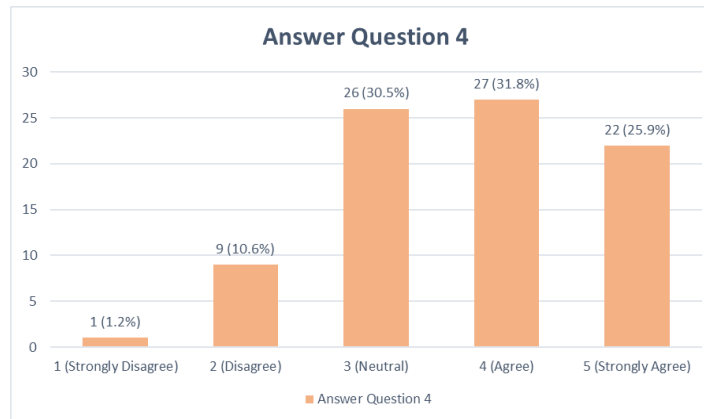


Figure 9: Knowledge of How to Register A Matrimonial Property Claim.

Figure 9 is the answer to the question related to knowledge on how to register a matrimonial property claim. There are respondents who agree with a total frequency of 27 people of 31.8%. It is also followed with almost the same frequency of 26 people as much as 30.5% on the neutral answer (not sure) and then the number of respondents who strongly agree is as many as 22 people which is 25.9%. In this case, it was found that a total of 9 people, that is 10.6%, have expressed disagreement and only one person (1.2%) strongly disagree. For the total mean on this question scale is 3.71. Therefore, the average level of knowledge of Selangor women that matrimonial property claims can easily be done by fully registering the summons form and matrimonial property claim form is at an agreed level.

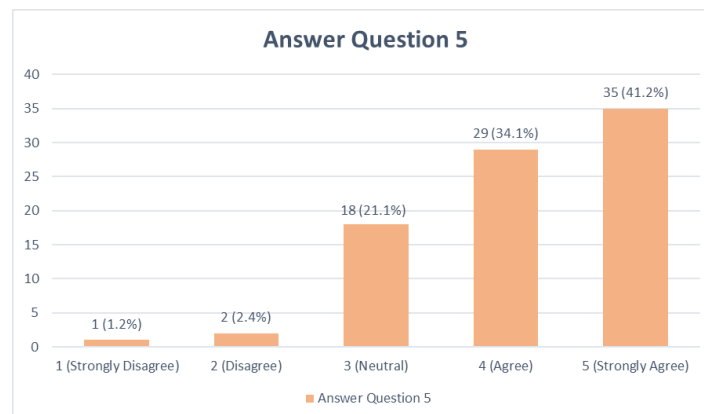


Figure 10: Awareness of Matrimonial Property Claims in The Event of Divorce, Polygamy and Death.

Figure 10 above aims to analyze the awareness of matrimonial property claims in the event of divorce, polygamy and death. It was found that the majority of respondents strongly agreed with the percentage indicator of 41.2% which represents a total of 35 people and the second highest percentage showed a sign of agreement with a total of 34.1% which is a total of 29 people. While 21.1% of 18 people chose to act neutral (not sure) on the statement. There are

also a small number of respondents who disagree by 2.4% which is 2 people and the remaining 1.2% (1 person) have indicated strongly disagree. Based on the mean value of this question scale which is 4.12, the results of the study found that the level of respondents' answers agree that women in Selangor aware that matrimonial property claims can be made either when divorce, polygamy and death.

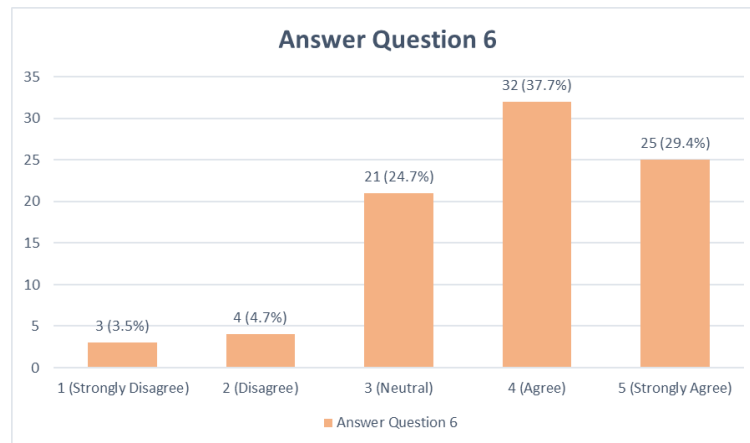


Figure 11: Knowledge of Matrimonial Property Claims After the Death of The Husband is Done First Before the Division Process by Faraid.

Further on Figure 11 is an analysis of the knowledge of matrimonial property claims after the death of the husband done first before the division process by faraid. The majority of the respondents agreed that a total of 32 people with a percentage turnover of 37.7% and joined by 25 people (29.4%) strongly agreed about the knowledge. While the rest chose to be on a neutral scale (uncertain) with a total of 21 people making the percentage of 24.7%. However, a small number of respondents who do not agree as many as 4 people, which is 4.7% and only 3 people strongly disagree with the calculation of 3.5%. Through the average answer scale of this question with a mean value of 3.85, it has been able to identify the level of feedback of the respondents is at the level of agreement. Thus, it can be interpreted that women in Selangor know the situation of matrimonial property claims after the death of their husbands should be resolved first before the division process by faraid.

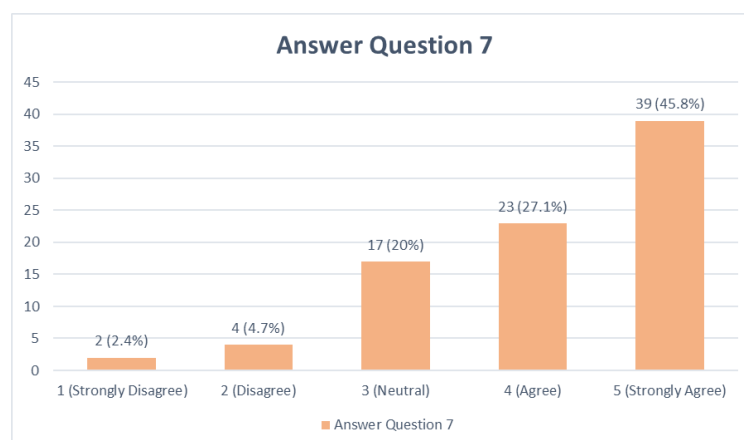


Figure 12: The Understanding of The Division of Matrimonial Property is Based on The Direct and Indirect Contributions of A Wife.

The analysis on Figure 12 shows that the understanding of the division of matrimonial property is based on the direct and indirect contributions of a wife. The highest percentage of 45.8% covering the scale strongly agreed with a total of 39 respondents. Furthermore, with a value of 27.1% that is 23 respondents also agreed compared to 20% of 17 respondents who have chosen to be neutral (not sure) on the understanding of the statement. In this case, it was found that 4.7% of 4 people stated that they only disagreed while 2.4% of 2 people strongly disagreed.

For the total mean on this question scale is 4.09 which is at the agreed level. Therefore, the practice of division of matrimonial property based on the direct and indirect contribution of a wife has been understood by women in Selangor.

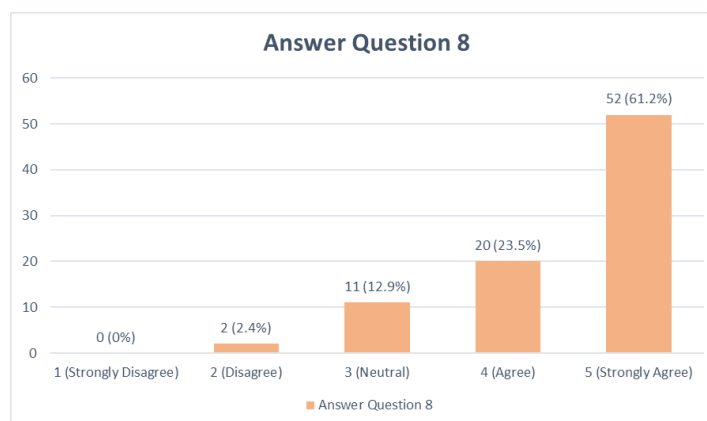


Figure 13: Understanding the Eligibility of The Right to Make Matrimonial Property Claims on Working Wives and Housewives.

The analysis on Figure 13 shows the understanding of the eligibility of the right to make matrimonial property claims on working wives and housewives. It was found that more than some respondents, namely 52 people with a percentage of 61.2% were very agree and followed by respondents who only answered as many as 18 people (21.2%). While the respondents who represent the neutral scale (not sure) are 11 people which is 12.9% and the remaining respondents who disagree are 2 people (2.4%). Therefore, none of the respondents strongly disagreed with this statement. Based on the mean value of this question scale which is 4.44, the results of the study found that the level of respondents' answers is agree which explains that women in Selangor understand their position in matrimonial property is entitled to be claimed whether working status or housewife.

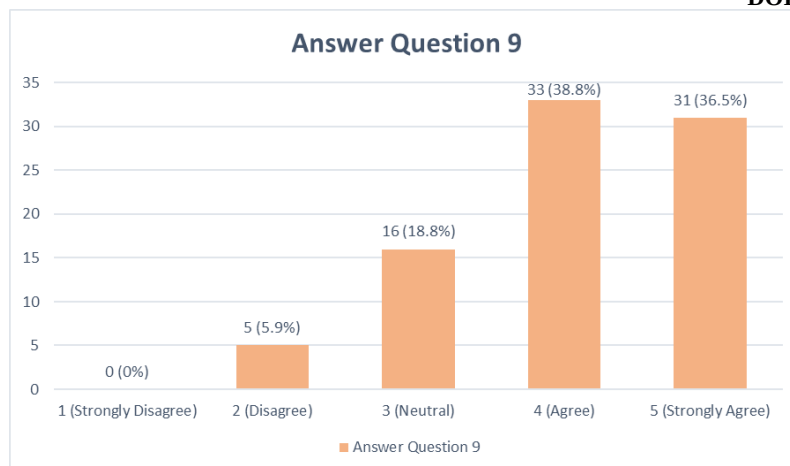


Figure 14: Knowledge of The Types of Property That Can Be Claimed as Matrimonial Property.

Analysis of Figure 14 above, related to the respondents' knowledge of the types of property that can be claimed as matrimonial property. There are respondents who agree with the total frequency of 33 people of 38.8% which is slightly different from the frequency value of respondents of 31 people (36.5%) who stated strongly agree. In addition, the number of respondents who marked the level of neutral (uncertain) was 16 people which is 18.8% while only 9 people which is 10.6% have expressed disagreement with the statement of knowledge. Through the average answer scale of this question with a mean value of 4.06, it has been able to identify the level of feedback of the respondents is at a high level that is agreed. Thus, it can be interpreted that women in Selangor know the type of movable or immovable property such as residential houses, land, vehicles, jewellery, money in savings accounts, equipment and home appliances are property that can be claimed as matrimonial property.

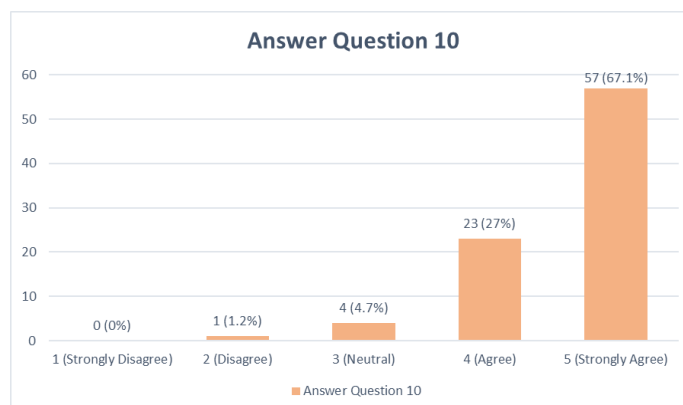


Figure 15: Understanding the Importance of Matrimonial Property Claims Can Provide Benefits and Protection to The Rights of Muslim Women.

Referring to figure 10 is an analysis of the understanding of the importance of matrimonial property claims can provide benefits and protection to the rights of Muslim women. Half of the total respondents that is 67.1% (57 people) have shown a very agreeable answer to the understanding of the importance. Next, 27% that is 23 people only answered agree while the respondents who stated to be neutral (not sure) as much as 4.7% that is 4 people. However, there are the remaining respondents who disagree as much as 1.2% (1 person) and no

respondents who strongly disagree. For the total mean on this question scale is 4.60. Therefore, the overall level of understanding of Selangor women is at a level that strongly agrees on the importance of matrimonial property claims to provide benefits and ensure the protection of the rights of Muslim women, especially to wives in family matters better in the future.

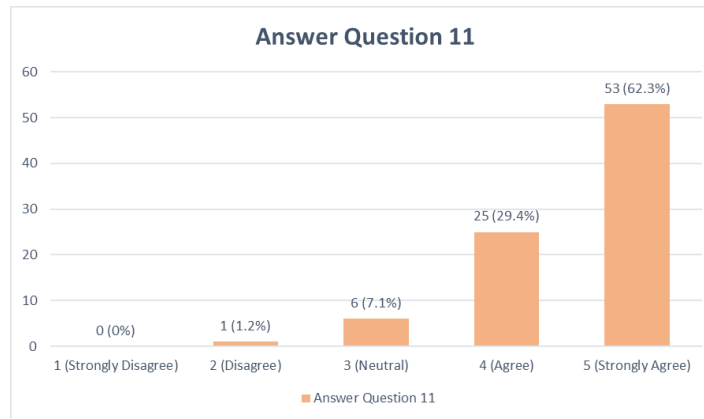


Figure 16: Awareness of The Practice of Matrimonial Property Can Give Recognition to Women's Rights to Property Owned Throughout the Marriage.

Figure 16 above aims to analyse the awareness that the practice of matrimonial property can give recognition to women's rights to property owned throughout the marriage. It was found that 53 out of 85 respondents, comprising 62.3%, strongly agree, followed by respondents who only agreed, namely 25 people (29.4%) to the statement of awareness. While the rest of the respondents indicated neutral (not sure) as many as 6 people (7.1%) and a total of one respondent (1.2%) disagreed. Thus the number of respondents who strongly disagree is none. Based on the mean value of this question scale of 4.53, the results of the study found that the value of respondents' answers at a very agreeable level which explains that women in Selangor are very aware that the importance of matrimonial property claims can give recognition and justice to women's rights in controlling and owning property marriage.

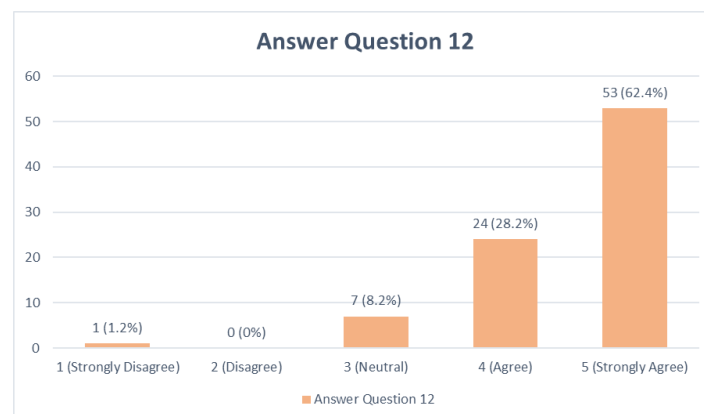


Figure 17: The Level of Increased Knowledge of Respondents on Matrimonial Property Claims Through Questionnaires.

Figure 17 analyzes the answers to the respondents' final question on the level of improvement in their knowledge of matrimonial property claims through a questionnaire. The highest percentage answered by the respondents was strongly agreed as 62.4% which is 53 people and

joined by respondents who agreed with a total percentage of 28.8% which is 24 people. However, 8.2% or 7 people acted neutral on the level of improvement in their knowledge based on this questionnaire. In this case, a small number of respondents who voted strongly disagreed at a rate of 1.2% was only 1 person. Through the average answer scale of this question with a mean value of 4.51, I have been able to identify the level of feedback of the respondents is at a very agreed level. Thus, it can be interpreted that after this questionnaire was conducted, the knowledge of women in Selangor on matrimonial property claims has increased.

Conclusions

The study of women's awareness in Selangor on matrimonial property, it was found that the majority of respondents gave positive answers. This is because almost the entire data in each question related to their knowledge, understanding and awareness can be seen clearly through the average of two answers namely agree and strongly agree. It is influenced by the background of the respondents which consists of age -appropriate factors and is married, has a high level of education as well as those who represent working women. In summary, the empowerment of women in Selangor on matrimonial property claims has been achieved. There are many suggestions and recommendations for the improvement of women's empowerment in matrimonial property claims that can be observed by professional researchers. This can be seen through the Women Development Action Plan 2009 by the Ministry of Women, Family and Community Development (KPWKM) in various efforts to help women know their rights under the law. First, identify and amend existing laws and provisions by facilitating the interpretation of laws and the implementation of such procedures. For example, the Malaysian Syariah Judiciary Department needs to facilitate all application processes related to family law such as divorce cases involving matrimonial property claims. As a result, it can reduce the number of outstanding related cases. The next suggestion is that the findings of this study encourage all levels of women's society to be more sensitive and aware of legal knowledge related to their rights such as matrimonial property by providing education and disclosure on such knowledge more widely. For example, NGOs, the private sector and the government have established good cooperation by encouraging women's participation in associational activities, holding courses, workshops and talks as well as disseminating information on syariah legal knowledge through print and electronic media. This step is important to make more women aware of the legal issues that concern them. Finally, increase and expand the scope of services and legal assistance provided by the public and non -government sectors to all women in need. For example, the dissemination of information related to legal aid services by providing services in an easily accessible place such as holding a 'mobile clinic'. As a result, the convenience of legal aid services to women who want to make a claim is easily available and affordable. Therefore, these recommendations are expected to provide a solution to the issues faced by women in matrimonial property claims.

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