

AWARE's submission to the government consultation on the Administration of Muslim Law Act (AMLA)

AWARE submits the following comments in response to the proposed amendments to the Administration of Muslim Law Act (AMLA) 2026. We hope that these recommendations will support more gender-equitable outcomes under the Act.

Strengthening considerations for child welfare

Firstly, AWARE supports the formalisation of the Syariah Court's ("SYC") powers to make orders allowing the relocation of a child outside Singapore or preventing a child from being taken out of Singapore. This has a significant impact in cases of transnational marriages where a parent could relocate their child before custody and care arrangements have been decided.

To ensure timely intervention, we recommend empowering the SYC to notify the Immigration and Checkpoints Authority ("ICA") directly when a stop order is issued, enabling immediate enforcement to prevent unauthorised removal of a child from Singapore. This helps ensure that court orders can be operationalised swiftly in situations where time is of the essence.

We also recommend that the relevant agencies should work together to publish a multilingual one-stop information page for migrant spouses and transnational couples, covering their legal rights post divorce.

Secondly, AWARE supports the amendment to strengthen considerations for child welfare both in aligning with Women's Charter and clarifying the paramount consideration of SYC is the welfare of the child when dealing with matters relating to children.

The expanded definition of family violence under the Women's Charter, which came into effect in January 2025 now includes coercive control, expressed as emotional and psychological abuse. In divorce cases involving coercive control, an abusive parent often seeks to manipulate legal assessments by influencing the child's perception through presenting their partner in a negative light.

For example, AWARE's ongoing study on coercive control has found cases such as a mother of two young girls coercively controlled by her ex-husband for 10 years. When going through divorce, her ex-husband would launch false police reports alleging abuse of the children, repeatedly drag her to court, and speak poorly of her in front of their children. His ongoing police visits, court hearings, and persistent efforts to undermine the partner eventually strained her relationship with her older daughter, who grew resentful of the mother and expressed a desire to live with her father.

While we acknowledge the Court's in-house expertise in family matters through its social workers and counsellors, this complicates assessments of the child's expressed preferences, parental conduct, and family relationships.

We therefore urge for considerations of child welfare to include an awareness of coercive control and its impact on the child. The paramount consideration to do no harm to the child must

at the very minimum ensure that judicial officers, social workers, counsellors and relevant professionals involved in the formalisation of *talak* be equipped through mandatory training to recognise these dynamics so as to ensure that custody and access decisions are made in the best interests of the child and do not reinforce patterns of abuse.

Reducing the administrative burden on Muslim couples undergoing divorce

Thirdly, AWARE supports the amendment to simplify procedural requirements for divorce proceedings. Removing the need for hakam in cases of *talak tafwidh* will reduce the financial burden on Muslim couples undergoing divorce, especially women in the lower-income group.

We also support the availability of SYC's Marriage Counselling Programme to individuals undergoing divorce. However, advising vulnerable individuals to prioritise sustaining the marriage may place undue pressure on them to stay in the marriage at the expense of their safety and well-being. Ongoing spousal abuse and/or disrespect can erode self-esteem and autonomy, which may be exacerbated where external interventions overemphasise reconciliation at the expense of safety and victim agency.

As such, we strongly urge for flexibility in mandatory marriage counselling for cases with indicators of domestic violence, especially psychological and emotional abuse. In such cases, participation in joint counselling with the aim to sustain the marriage are unsafe, with risks of the abusive party undermining or coercing the survivor using this platform. Abusive parties may also adopt a conciliatory or remorseful stance, which reenacts coercive control dynamics such as the "honeymoon phase" in the cycle of abuse, during counselling.

Counsellors provided by the five court-appointed community agencies must be empowered to proactively offer separate sessions in cases of suspected abuse to prevent inadvertently exposing the vulnerable spouse to further harm and entrapment in the marriage.

Lastly, although these issues are not addressed in the 2026 amendment, we would like to reiterate the recommendations we had in our 2017 submission for AMLA amendments.

Inheritance

We recommend allowing Muslims to whether to distribute their estate in accordance with Muslim or civil law, and permit non-Muslim next-of-kin to inherit from a deceased Muslim's estate. Dependents should also be able to seek reasonable maintenance under the Inheritance (Family Provisions) Act.

We also recommend a review of inheritance share allocations between female and male heirs in light of evolving socio-economic conditions, specifically the female labour participation rates and financial independence of women. Greater investment should be made in public education on Faraidh estate planning options, alongside measures to ensure that the larger inheritance shares accorded to male heirs are accompanied by meaningful accountability for the financial responsibilities that underpin this distribution. The administrative burden thus accumulated in the process of obtaining inheritance and distribution of estate assets should be reviewed and streamlined to improve accessibility and reduce delays for beneficiaries.

Polygamy

In a survey conducted by Lepak Conversations in 2021, 21% of respondents believe that polygamy should be prohibited for Muslim men in Singapore, while 71.4% of respondents are of the view that polygamy should be allowed to be practiced but with a legal requirement of the first

wife's consent.

Despite the requirement for approval of subsequent marriages under AMLA, Singaporean Muslim men often circumvent this process by marrying Muslim women from neighboring countries where such approval is not required. Where these marriages are not registered in Singapore, affected women and their children may be left in vulnerable social, financial, and psychological situations, with limited access to protection or recourse and limited accountability for the men involved. In light of this, we recommend that polygamy be prohibited under the Administration of Muslim Law Act, in line with the recommendation from the UN CEDAW Committee's Concluding Observations (Paragraph 60(b)).

If prohibition is not possible, we strongly urge the Court to mandate obtaining the first wife's legal consent for any subsequent marriages. This offers a more proactive form of protection for first wives, compared to a reactive framework that relies on post-hoc objection, appeals or even possible divorce after subsequent marriages have already taken place without their knowledge or consent.