

24. MUSLIM LAW

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I. Introduction

24.1 In his response at this year's Opening of the Legal Year 2026, the Honourable the Chief Justice Sundaresh Menon highlighted a significant milestone:¹

[T]his year ... we look forward to celebrating a landmark of even broader significance: the 200th anniversary of the Second Charter of Justice,^[2] which marks the bicentennial of not only our courts, but also the legal system of modern Singapore. This is an opportunity to both celebrate our progress and survey the road ahead.

24.2 Amongst the many announcements made to commemorate the Bicentennial,³ one of the most notable developments in the Muslim family

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- 1 Chief Justice Sundaresh Menon, Supreme Court of Singapore, response at the Opening of the Legal Year 2026 (12 January 2026) <<https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon--response-delivered-at-the-opening-of-the-legal-year-2026>> (accessed 1 July 2026) ("Menon CJ, Opening of the Legal Year 2026") at para 2.
 - 2 The Second Charter of Justice (Letters Patent establishing the Court of Judicature at Prince of Wales' Island, Singapore and Malacca dated 27 November 1826 and made under the authority of Act 6 Geo 4, c 85) introduced the English common law as the applicable law for all the diverse communities in Singapore, and formally established the Courts of Judicature of Singapore to apply these laws: see Murali Pillai SC, "Six Decades of Independence, Two Centuries of Legal History", *Singapore Law Gazette* (August 2025).
 - 3 Which relate to, among other things, (a) the Supreme Court hosting a year-long exhibition curated by the Singapore Academy of Law which will trace the legal evolution of modern Singapore; (b) the commissioning of a commemorative medallion; (c) a major international conference on the rule of law; and (d) a formal sitting of the Supreme Court on 27 November 2026, the very day of the Bicentennial. (See Menon CJ, Opening of the Legal Year 2026; Supreme Court, Singapore Courts, "Singapore Courts Commemorate Bicentennial: Celebrating Two Centuries of Legal Heritage and the Rule of Law", media release (12 January 2026) <<https://www.judiciary.gov.sg/news-and-resources/news/news-details/media-release--singapore-courts-commemorate-bicentennial---celebrating-two-centuries-of-legal-heritage-and-the-rule-of-law>> (accessed 1 July 2026)).

law space was the announcement of the Judicial Precinct. As part of the physical development of the courts' infrastructure, the Syariah Court and other related judicial institutions will be moving into the building formerly occupied by the Family Justice Courts. They will collectively join the State Court Towers and the Family Justice Courts (now located in the "Octagon" building) at Havelock Square.⁴

24.3 The establishment of the Judicial Precinct is aimed at enabling the sharing of facilities and services as well as the joint development of ideas and best practices.⁵ For the Syariah Court, being situated alongside other judicial institutions will make it easier for individuals and families to access the support they need more efficiently, promote better collaboration, and smoothen operations between courts through mutual learning. This, in turn, will bolster the Syariah Court's important role of supporting families and strengthening the family institution within the community.⁶

24.4 The Second Charter of Justice and the Judicial Precinct represent key checkpoints in the country's illustrious journey of developing its legal system. Singapore has painstakingly sought to build a system aimed fundamentally at ensuring access to justice and the rule of law – where people are assured clarity and certainty in the laws that govern their affairs, and have meaningful access to institutions which administer the law consistently, impartially, and in a manner which eases (not burdens) their affairs.

24.5 Against that backdrop, 2025 built on the preceding years in developing Muslim family law jurisprudence. Through the various events held last year, stakeholders have (a) raised contemporary substantive issues arising in present day practice; (b) suggested how these issues can be managed; and (c) examined how the law can (or should) evolve to meet these new demands.

4 See (a) Menon CJ, Opening of the Legal Year 2026; and (b) Lydia Lam, "Singapore Judiciary to Celebrate 200 Years of Rule of Law With Year-Long Public Exhibition", CNA (12 January 2026) <<https://www.channelnewsasia.com/singapore/singapore-judiciary-bicentennial-celebrations-200-years-rule-law-5852126>> (accessed 1 July 2026).

5 Menon CJ, Opening of the Legal Year 2026.

6 Comments made by Acting Minister-in-Charge of Muslim Affairs, Assoc Prof Dr Muhammad Faishal Ibrahim, on his social media platform: see Assoc Prof Muhammad Faishal Ibrahim, Acting Minister-in-Charge of Muslim Affairs, social media post on Facebook (12 January 2026) <<https://www.facebook.com/muhammad.faishal.ibrahim1/posts/today-marks-an-important-milestone-in-the-development-of-our-courts-the-syariah-/1417107303118390/>> (accessed 1 July 2026).

24.6 One such event was the Family Conference 2025 (which took place on 24 and 25 September). With the theme “Mind the Gap – Closing the Lacunae in Family, Probate & Muslim Law”, the Family Conference 2025 focused on (a) examining apparent and real blind spots within the larger family law ecosystem and jurisprudence; (b) examining how to deal with such blind spots; and (c) considering the reforms which can be implemented. During the plenary session on Muslim family law,⁷ the panellists touched on, among other things, (a) the Syariah Court’s powers and jurisdiction in dealing with foreign Muslim divorces; (b) the Syariah Court’s lack of powers and/or jurisdiction to order injunctive relief; and (c) the remission of cases back to the Syariah Court from an appeal to the Majlis Ugama Islam Singapura (“MUIS”) Appeal Board (“Board”).

24.7 Next, on 12 November 2025, the Muslim Law Practice Committee of the Law Society of Singapore (“MLPC”) organised a programme titled “Bridging the Gap in Syariah Practice”. Riding on the discussions raised at the Family Conference 2025, the event, conducted by a panel comprising members from the Bar, the Syariah Court and the Board, addressed several substantive and procedural areas of Muslim law practice. The topics covered included: (a) foreign divorces for Muslims; (b) enhancing family safety through co-mediation; (c) contemporary issues in connection with *mutaah* claims; and (d) a broad analysis of the similarities and differences between the Muslim Marriage and Divorce Rules⁸ (MMDR) and the Family Justice (General) Rules 2024 (FJGR).

24.8 What can be discerned from the discussions raised at the Family Conference 2025 and the MLPC event is a greater awareness of the Muslim family law ecosystem, and an even greater aspiration to take it to a higher level. As noted in the earlier issues of this review, the extent of jurisprudential development and thought leadership exemplifies the community’s continued work in striving towards the vision of a self-sustaining ecosystem that is accessible and can better serve the community.

24.9 In addition to substantive jurisprudence, there was also refinement of the court’s processes to ensure more effective conduct of proceedings. This included the Syariah Court’s announcement of, among

7 The Law Society of Singapore, “Identifying Emerging Gaps in Syariah Practice: It Is What It Is, or Is It?”, panel discussion at the Family Conference 2025 (24 September 2025). The panellists comprised Abdul Rahman bin Mohd Hanipah and District Judge Azmin Jailani, and the panel discussion was moderated by Liyana Sinwan.

8 2001 Rev Ed.

other things,⁹ its publication of the latest version of the Syariah Court Practice Directions 2025.¹⁰ For completeness, several notable non-legal announcements were also made in the course of 2025.¹¹

II. Overarching theme of review

24.10 Whilst these developments go towards building a more accessible Muslim family law ecosystem, access to justice becomes a hollow concept when those who do access the system are not afforded

9 Other announcements include (a) enhancements to the Syariah Court's "SYC Portal" (see Syariah Court Singapore, "Enhancement To Existing E-Services and the SYC Portal July 2025", announcement (24 July 2025) <<https://syariahcourt.gov.sg/Resources/Announcements/2025/Enhancement-to-existing-E-Services-and-the-SYC-Portal>> (accessed 21 August 2026)); and (b) the implementation of a new Queue Management System (QMS) (see Syariah Court Singapore, "New Queue Management System (QMS) – Effective 9 Oct 2025", announcement (2 October 2025) <<https://syariahcourt.gov.sg/Resources/Announcements/2025/New-Queue-Management-System>> (accessed 21 August 2026)).

10 Syariah Court Singapore, "Publication of Practice Directions 2025", announcement (13 January 2025) <<https://syariahcourt.gov.sg/Resources/Announcements/2025/Publication-of-Practice-Direction-2025>> (accessed 1 July 2026).

11 For instance:

(a) The Singapore College of Islamic Studies (SCIS) will have its own campus next to the Singapore University of Social Sciences (SUSS) campus in Rochor: see Lawrence Wong, Prime Minister of Singapore, "National Day Rally 2025 (Malay)", speech at the National Day Rally 2025 (17 August 2025) <<https://www.pmo.gov.sg/newsroom/national-day-rally-2025-malay/>> (accessed 1 July 2026).

(b) Majlis Ugama Islam Singapura ("MUIS") celebrated a milestone achievement of 44 madrasah educators graduating from professional programmes conducted by NIE International: see Kadir Maideen, Chief Executive of MUIS, speech at the Asatizah NIE Graduation Ceremony (9 April 2025) <<https://www.muis.gov.sg/resources/speeches/speech-by-chief-executive-of-muis--mr-kadir-maideen-at-asatizah-nie-graduation-ceremony/>> (accessed 1 July 2026).

(c) MUIS embarked on initiatives to enhance Singapore's Halal ecosystem: see Kadir Maideen, Chief Executive of MUIS, welcome remarks at the Singapore Halal International Seminar (24 September 2025) <<https://www.muis.gov.sg/resources/speeches/welcome-remarks-by-chief-executive-of-muis--mr-kadir-maideen-at-singapore-halal-international-seminar/>> (accessed 1 July 2026).

(d) At the Minister's Hari Raya Get-Together in 2025, Masagos Zulkifli made an announcement on the formation of the "Forum for Regional Communities of Success", where Singapore can create opportunities with participants from Cambodia, Philippines and Thailand for mosque-based youth mentoring and community leadership programmes: see Masagos Zulkifli, Minister for Social and Family Development, speech at the Minister's Hari Raya Get-Together (4 April 2025) <<https://www.m3plus.gov.sg/media-centre/speech-by-minister-masagos-zulkifli-minister-at-his-hari-raya-get-together-on-4-april-2025/>> (accessed 25 August 2026).

due process. Access to justice opens the door to a courtroom, but it is natural justice that ensures that what happens inside is fair.

24.11 This brings us to this year's review, which explores Syariah Appeal No 28/2024 ("*Appeal 28*"), the only written decision by the Board in 2025. Briefly, *Appeal 28* deals with a point of natural justice where a tribunal decided on an issue (or issues) not referred to it by the parties – otherwise known as an *ultra petita* decision. Separately, as a supplement to the review of *Appeal 28* and in connection with the topic of natural justice, this year's review touches briefly on the recent Court of Appeal decision in *Qureshi Mohamed Aslam v Majlis Ugama Islam, Singapura*¹² ("*Qureshi*"). That case, concerning an application for a judicial review of a decision from the Board, dealt with another aspect of natural justice: the duty to give reasons.

III. *Appeal 28* – “You think, I thought, who confirms?”

A. *Background*

24.12 The parties were married in December 1997. The wife commenced divorce proceedings in August 2023. At the substantive hearing in September 2024, the Syariah Court accepted the husband's earlier *talak* pronouncement, and declared that the marriage was dissolved in November 2023. On that basis, the Syariah Court had calculated that the marriage lasted approximately 26 years.

24.13 On the issue of the division of the parties' matrimonial assets, the wife first contended that the matrimonial home be sold, and that she be awarded 100% of the net sale proceeds.¹³ Separately, as regards the other matrimonial assets,¹⁴ the wife submitted that these be divided in the ratio of 45:55 in the husband's favour. On the other hand, the husband submitted that the matrimonial home be divided in the ratio of 21.5:78.5 in his favour. As regards the other matrimonial assets, the husband's position was that all parties were to retain the assets they respectively held in their sole names respectively.

12 [2026] 1 SLR 411.

13 Whilst not relevant for the purposes of this review, for completeness, the wife had, after applying the “Structured approach”, arrived at a division ratio of 44:56 in the husband's favour, but consequently sought an uplift such that the final ratio would be 100:0 in her favour.

14 In this case, the principal matrimonial asset apart from the matrimonial home was the parties' Central Provident Fund (CPF) moneys.

24.14 In arriving at the above division ratios, it is not in dispute that both parties had, in their submissions, expressly chosen to adopt the “Structured approach”¹⁵ (“Structured Approach”) (as earlier endorsed by the Board in *DZ v EA*)¹⁶ in their calculations.

B. Findings of Syariah Court

24.15 After hearing the parties, the Syariah Court had, on the issue of division, ordered that the matrimonial home be sold, and that the parties divide the net sale proceeds equally between themselves. As regards the parties’ Central Provident Fund (CPF) moneys, the Syariah Court similarly ordered that these moneys be divided equally between the parties. In short, the Syariah Court had assessed that the matrimonial assets be divided equally in the ratio of 50:50.

24.16 In arriving at this ratio, it was evident that the Syariah Court had instead adopted the “Single-Income approach” (“Single-Income Approach”) (as enunciated by the Court of Appeal in *TNL v TNK*).¹⁷ On the materials before it, the Syariah Court had assessed that the husband was “primarily the breadwinner”, with the wife being “primarily the homemaker”.¹⁸ On that basis, the Syariah Court observed that it was more appropriate to adopt the Single-Income Approach when determining the issue of division. Further to its finding that the Single-Income Approach was the preferred approach, the Syariah Court then went on to determine the appropriate ratio of division.¹⁹

C. Parties’ arguments on appeal

24.17 On appeal, the husband argued that the Syariah Court had erred in its determination of the ratio of division for the matrimonial assets. The husband contended that the Syariah Court had breached the rules of natural justice when it adopted the Single-Income Approach. This is because the Single-Income Approach was not adopted by either party in the proceedings before the Syariah Court. By considering (and ultimately adopting) an approach that neither party had canvassed, the

15 Which was first articulated by the Court of Appeal in *ANJ v ANK* [2015] 4 SLR 1043 and subsequently endorsed by the MUIS Appeal Board (“Board”) in *DZ v EA* (2021) 8 SSAR 241.

16 (2021) 8 SSAR 241.

17 [2017] 1 SLR 609. The approach in *TNL v TNK* [2017] 1 SLR 609 was referred to by the Board in *HV v HW* (2023) 9 SSAR 523 as one of the calculations that may be adopted for calculating the ratio for division.

18 Syariah Appeal No 28/2024 at [15].

19 Syariah Appeal No 28/2024 at [16].

Syariah Court did not afford either party an opportunity to present their position on this approach.²⁰ Accordingly, the Syariah Court had made an unexpected decision which in turn deprived parties of an opportunity to present their case.²¹

24.18 Even if the Syariah Court was entitled to consider the Single-Income Approach, the husband contended that the Syariah Court nevertheless erred in determining that the Single-Income Approach was applicable, and calculating the final ratio of division based on that approach.²²

24.19 On the other hand, the wife sought to justify the Syariah Court's reliance on the Single-Income Approach. Before the Board, the wife suggested that the husband's discontentment simply stemmed from his subjective belief that the wife was receiving more of the sale proceeds than he felt she should get. Separately, the wife highlighted how she required the moneys for her medical care (particularly since she had been recently diagnosed with an autoimmune disease) and housing needs.²³

D. Findings of Appeal Board

24.20 In determining the husband's complaint, the Board first reiterated the basic premise that the rule of natural justice comprises two fundamental pillars – firstly, the rule against bias (*ie, nemo iudex in causa sua*), and secondly, the right to a fair hearing (*ie, audi alteram partem*). The Board further noted that each pillar has its own specific sub-branches or amplifications, and it was incumbent on any party claiming a breach of natural justice to identify the specific pillar(s) and sub-branch(es) of natural justice engaged, and how they were breached.²⁴ In the present case, the husband complained that the Syariah Court, by deciding on a matter which was not argued by parties, made an unexpected decision which deprived parties of an opportunity to properly present their cases, thereby breaching the fair hearing rule.

24.21 The effect of the husband's argument was that by deciding on an issue on a premise that neither party had submitted or relied on, the Syariah Court had made a decision which was *ultra petita* (*ie, beyond that which is sought*).

20 Syariah Appeal No 28/2024 at [19(a)].

21 Syariah Appeal No 28/2024 at [26].

22 Syariah Appeal No 28/2024 at [19(a)]–[19(b)].

23 Syariah Appeal No 28/2024 at [21].

24 Syariah Appeal No 28/2024 at [23].

24.22 On the facts of *Appeal 28*, the Board was inclined to agree with the husband that the Syariah Court had breached the rules of natural justice when it adopted the Single-Income Approach in determining the ratio of division of the parties' matrimonial assets. In this regard, the Board first noted that the Structured Approach and Single-Income Approach were not two sides of the same coin, in the sense that a party advocating one approach may not necessarily have applied their mind to (and much less provided submissions on) the unsuitability of the other approach.²⁵

24.23 Next, the Board noted that both parties, in their respective papers, had adopted the Structured Approach when dealing with the issue of division. The issue of whether the Single-Income Approach even applied was therefore not a matter which was expressly contemplated or submitted on by the parties. More notably, at the hearing before the Board, counsel for the wife candidly submitted that the wife had specifically relied on the Structured Approach for the tactical purpose of obtaining a more favourable ratio of division.²⁶

24.24 As regards the parts of the parties' documents that the Syariah Court relied on to determine that the husband was the primary breadwinner and the wife a primary homemaker, so as to justify its adoption of the Single-Income Approach, the Board noted that the context in which those averments were made was not in respect of the question of whether the Structured Approach or Single-Income Approach applied.²⁷ Instead, those averments were made in respect of the backdrop of the parties' dispute, and in connection with the husband's arguments relating to *nafkah iddah* and *mutaah*. Against that backdrop, the Board was satisfied that the issue of whether the Single-Income Approach applied was not a live issue "in play" before the Syariah Court for its determination.²⁸

24.25 As regards the 50:50 division ratio determined by the Syariah Court, the Board noted that this decision was also made without the benefit of the parties' submissions.²⁹

25 Syariah Appeal No 28/2024 at [30(a)].

26 Syariah Appeal No 28/2024 at [30(b)].

27 Syariah Appeal No 28/2024 at [30(d)].

28 Syariah Appeal No 28/2024 at [30(e)].

29 Syariah Appeal No 28/2024 at [30(f)]–[30(g)].

24.26 Accordingly, the Board made the following concluding remarks:³⁰

For those reasons, and in this particular situation, we were of the view that the [Syariah Court] had made a procedural misstep by deciding on the issue of the approach to be taken for the purposes of division without the benefit of parties' submissions. We further accept that the reason for this was because parties had adopted a common position to use the 'structured approach'. As such, the decision by the [Syariah Court] to adopt the 'Single-Income approach' was one which a reasonable litigant in the shoes of the parties would not have reasonably foreseen.

24.27 Having established a breach of natural justice, the Board proceeded to determine whether the Syariah Court's orders on division ought to be set aside. In this regard, the Board clarified its earlier observations in *HM v HL*³¹ that to attract curial intervention, an applicant had to show a causal connection between the breach of natural justice and the complained decision, as well as actual or real prejudice caused by that breach.³²

24.28 Following from this clarification, and on the facts of *Appeal 28*, the Board was satisfied that there was a causal connection between the breach of natural justice and the Syariah Court's decision on the ratio of division, and that such breach had caused prejudice to the parties.³³ On that basis, the Board proceeded to set aside the Syariah Court's orders on division, and the Board proceeded to arrive at its own assessment of the ratio of division based on the materials placed before it in the appeal.³⁴

E. Observations

24.29 Several observations may be made from this decision. First, from the perspective of the parties and/or counsel, this decision underscores the importance of certainty and clarity in one's case statement. In *Appeal 28*, it was clear that the only approach which parties had adopted was the Structured Approach. There was no suggestion (much less any submission) that the Single-Income Approach could conceivably apply, and if so, whether it would give rise to a different outcome than the Structured Approach.

24.30 Second, and related to the first point, it would equally not be far-fetched to contemplate a situation where a party deliberately

30 Syariah Appeal No 28/2024 at [31].

31 (2021) SSAR 315 at [130].

32 Syariah Appeal No 28/2024 at [32].

33 Syariah Appeal No 28/2024 at [33].

34 Syariah Appeal No 28/2024 at [36]–[51].

chooses not to put forth certain positions, keeping their cards close to their chest. However, as noted by the Board,³⁵ if a party chooses not to make submissions or adduce relevant and material evidence it had with it on a live issue, there can be no complaint of a breach of natural justice if an adjudicator makes a decision without such materials. This underscores the general expectation that by the time a dispute is heard, parties would have already placed their best cards on the table for the adjudicator's determination.

24.31 Third, while the Board concluded that the Syariah Court had committed a procedural misstep in adopting the Single-Income Approach without the benefit of parties' submissions, it further emphasised two aspects of the decision-making process. The first is that an adjudicator is under no general obligation to disclose exhaustive particulars of what (and how) he or she is inclined to decide in a case.³⁶ An adjudicator is entitled to come to his or her own conclusions or inferences on the primary facts placed before him or her, and is not required to consult the parties on his or her thinking process, or to call for new and further arguments for each step of the process. This addresses a related point that natural justice does not require that parties be given a response to each and every submission made.³⁷

24.32 Separately, it is also not a breach of natural justice if an adjudicator does not accept either party's position on a live matter. In this regard, an adjudicator is not confined to merely making a binary choice between diametrically opposite positions. An adjudicator can legitimately arrive at a finding which falls between two submissions, so long as it is supported by the evidence and does not constitute a departure from the parties' positions.³⁸

24.33 The second aspect of the decision-making process flows from the first in that in recognising the dynamic nature of the adversarial process, an adjudicator ought to be mindful of properly appreciating the context in which evidence and submissions are put forward, and whether such evidence and submissions sufficiently address the issue which the adjudicator wishes to decide on. This is especially so if the decision has a significant bearing on the overall outcome of the dispute and, as was the case in *Appeal 28*, involves a marked departure from the parties' agreed positions.

35 Syariah Appeal No 28/2024 at [27(d)].

36 Syariah Appeal No 28/2024 at [27(c)].

37 *HM v HL* (2021) SSAR 315 at [136]; see also *BSM v BSN* [2019] SGHC 185.

38 *Soh Beng Tee & Co Pte Ltd v Fairmount Development Pte Ltd* [2007] 3 SLR(R) 86.

24.34 Fourth, whilst finding that the Syariah Court was in error, the Board clearly stated that it would be rare for an adjudicator to go on a frolic to decide a matter devoid of any material from parties.³⁹ Further, the Board also emphasised that while it disagreed with the Syariah Court's adoption of the Single-Income Approach as a matter of procedural impropriety, the Board's finding was in no way indicative of any general impropriety by the *coram* in that case.⁴⁰ What could be discerned from the decision was that the Syariah Court had incorrectly construed the parties' submissions on the husband's breadwinner and wife's homemaker status as contention on the approach to be adopted for division, when these submissions were actually made in the context of the husband setting out why his proposals for *nafkah iddah* and *mutaah* were reasonable.⁴¹

24.35 In summary, *Appeal 28* provides useful guidance to practitioners on ensuring clarity in framing their cases, and to adjudicators on being mindful when navigating parties' submissions before making their decision. As regards the latter, the Board specifically observed that an adjudicator should not make bricks without straw.⁴² In practical terms, if a determination is premised on a chain of reasoning which cannot reasonably flow from or be reasonably connected to the arguments raised by either party, it may be prudent for the adjudicator to err on the side of caution and obtain the necessary clarification from parties. As regards the former, whilst no one could reasonably be expected to prepare their cases covering all conceivable possibilities and permutations, it is also a useful reminder for parties not to over-leverage themselves in the name of comprehensiveness, only to find that they have over-committed (or exposed) themselves to positions which need not (or should not) have been taken. More often than not, clarity beats complexity.

IV. “You say it best, when you say nothing at all” – Must Appeal Board expressly endorse Syariah Court's decision on appeal? – Qureshi

24.36 As noted earlier, there are numerous sub-branches and amplifications to the fair hearing pillar of natural justice. One such sub-branch is the duty to give reasons. The Board had the opportunity to address this issue in *HM v HL*,⁴³ where the Board made, among others, the following observations. First, the duty to give adequate reasons for

39 Syariah Appeal No 28/2024 at [27(b)].

40 Syariah Appeal No 28/2024 at [29].

41 Syariah Appeal No 28/2024 at [30(d)].

42 Syariah Appeal No 28/2024 at [30(d)].

43 (2021) SSAR 315 at [135]–[136].

any decision, though well-established, must not be overstated. Second, it is not expected that the court make an explicit ruling on each and every factual issue. Third, even if some conclusions are bereft of reasons, that, in and of itself, is not fatal. To this end, natural justice requires that the parties should be heard; it does not require that the parties be given responses on all submissions made.

24.37 This duty to give reasons in the context of proceedings before the Board recently came to light in the Court of Appeal decision of *Qureshi*. In that case, one of the issues to be determined was whether an appellate court is required to expressly state that it is adopting the lower court's reasons when disposing of an appeal.

24.38 Briefly, *Qureshi* involved a husband's appeal against a decision of the General Division of the High Court ("General Division"). The General Division had dismissed the husband's application for permission to commence judicial review of a decision of the Board (in which the Board had dismissed his appeal against the Syariah Court's decision on the ancillary matters). In connection with the appeal before the Board, the Syariah Court had issued a 17-page Grounds of Decision.

24.39 At the heart of the husband's application to commence a judicial review was his submission that at the time that the Board dismissed his appeal, it did not provide any reasons.

24.40 In dismissing the husband's appeal, the Court of Appeal made the following findings. First, it affirmed the general rule that the Syariah Court and the Board, in performing a judicial function, would generally be under a duty to give reasons for their decision.⁴⁴ Second, in the context of a judicial review, a breach of a duty to give reasons would fall within the rubric of procedural impropriety, but would not, in and of itself, constitute illegality or irrationality.⁴⁵

24.41 Third, and specifically in connection with the issue mentioned at para 24.37 above, the Court of Appeal found that in the appropriate circumstances, an appellate court might simply state that an appeal is dismissed without any "adoption language".⁴⁶ This is because an inference

44 *Qureshi Mohamed Aslam v Majlis Ugama Islam, Singapura* [2026] 1 SLR 411 at [45]–[51].

45 *Qureshi Mohamed Aslam v Majlis Ugama Islam, Singapura* [2026] 1 SLR 411 at [52]–[57]. For clarity, while the Court of Appeal observed that a breach of the duty to give reasons would not constitute illegality or irrationality, it clarified that it was not expressing a firm conclusion on this issue in light of its ultimate finding that the Board was not in breach of its duty to give reasons.

46 *Qureshi Mohamed Aslam v Majlis Ugama Islam, Singapura* [2026] 1 SLR 411 at [60].

may be fairly drawn that in dismissing an appeal without setting out specific reasons, the appellate court has accepted the lower court's reasons and agrees entirely with the lower court's decision.⁴⁷ To this end, an appellate court is not obliged to reprise the lower court's reasons or to give additional ones in a fresh judgment if it is of the view that it is not necessary.⁴⁸ The mere absence of "adoption language" does not preclude the inference that the appellate court had simply agreed with the lower court's reasoning.

24.42 That said, such an inference may be displaced if there are circumstances which suggest that the appellate court or tribunal could not have simply agreed with the lower court's reasons entirely (for instance, where there were substantively new arguments or points raised on appeal that had not been raised before the first instance court).⁴⁹ On this last point, the Court of Appeal noted that while the husband sought to repackage his arguments slightly, no substantively new arguments were raised to the Board which warranted the issuance of reasons by the Board.⁵⁰

24.43 Whilst *Qureshi* merits a more involved discussion on a separate occasion, it suffices to highlight briefly for present purposes that what can be discerned from the Court of Appeal's judgment is that in considering complaints regarding a breach of natural justice, the courts will take a holistic and pragmatic approach. It is one thing for a party to say that he or she may not have been satisfied with the verdict, but it is entirely a different kettle of fish for a party to suggest that he or she has been subject to procedural impropriety because the outcome was not in his or her favour.

V. Conclusion

24.44 In his response at this year's Opening of the Legal Year 2026, Menon CJ highlighted how the Bicentennial provides an opportunity to "celebrate our progress and to survey the road ahead".⁵¹ Indeed, it is this author's view that each iteration of this review provides all stakeholders with an opportunity to observe (and for some, to see how they have participated in) the development and evolution of our Muslim law jurisprudence. Whilst there is much cause for celebration, the nature of

47 *Qureshi Mohamed Aslam v Majlis Ugama Islam, Singapura* [2026] 1 SLR 411 at [60].

48 *Qureshi Mohamed Aslam v Majlis Ugama Islam, Singapura* [2026] 1 SLR 411 at [58].

49 *Qureshi Mohamed Aslam v Majlis Ugama Islam, Singapura* [2026] 1 SLR 411 at [62].

50 *Qureshi Mohamed Aslam v Majlis Ugama Islam, Singapura* [2026] 1 SLR 411 at [70].

51 Menon CJ, Opening of the Legal Year 2026 at para 2.

the cases and issues which are slowly coming to the fore show that there is yet a long (but exciting) road which lies ahead.
