

## THERAPEUTIC JUSTICE IN THE SYARIAH COURT – THE STRIVING FOR *IHSAN*

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This article examines the relationship between therapeutic justice and Muslim family law as administered in Singapore’s Syariah Court. It analyses how the Islamic principle of *ihsan* aligns with the values and objectives of therapeutic justice, shaping judicial reasoning, professional practice, and institutional processes oriented towards dignity, restraint and healing for families and children.

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1 Since the 1990s, Singapore’s civil family justice system has undergone reforms to reduce acrimony, encourage amicable resolution, and prioritise the welfare of children. These included mandatory mediation and counselling,<sup>3</sup> a specialised family court, and judge-led powers for case management.<sup>4</sup> These developments recognised that the traditional adversarial system

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3 Women’s Charter (Amendment) Act 1996 (Act 30 of 1996); Women’s Charter (Cap 353, 1997 Rev Ed) (as at 30 May 1997) s 50; Women’s Charter (Amendment) Act 2011 (Act 2 of 2011).

4 See r 22 of the Family Justice Rules 2014.

was unsuited to family disputes,<sup>5</sup> requiring instead legal processes that allow for healing rather than worsening the anguish of divorcing families.<sup>6</sup>

2 In 2019, the Committee to Review and Enhance Reforms in the Family Justice System released recommendations aimed at strengthening the family justice system by “incorporating principles of therapeutic and restorative justice in the resolution of family disputes”.<sup>7</sup> This culminated in the formal adoption of therapeutic justice (“TJ”) as the overarching philosophy guiding the administration of family justice in 2020. In her address at the Family Justice Courts (“FJC”) Workplan 2020, Justice Debbie Ong (then Presiding Judge of the FJC) described TJ as “a lens of ‘care’” through which the legal system is assessed by its effects on those who come before the court – whether it produces “helpful or harmful consequences”.<sup>8</sup> The goal is to “allow the healing, restoring and recasting of a positive future” for affected families.<sup>9</sup>

3 The formal articulation of TJ invites a deeper inquiry into how similar principles operate within Singapore’s Muslim family law system. The Court of Appeal’s affirmation that TJ is “not merely an ideal” but a “necessity” for healing and repairing fractured relationships<sup>10</sup> echoes Muslim legal thought; TJ is neither conceptually unfamiliar nor extrinsic to Islamic legal tradition. On the contrary, these values have long shaped the administration of Muslim family law in Singapore through the

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5 See the Second Reading of the Family Justice Bill in Singapore Parl Debates; Vol 92, Sitting No 10; [4 August 2014] (K Shanmugam, Minister for Law).

6 See the Second Reading of the Family Justice Bill in Singapore Parl Debates; Vol 92, Sitting No 10; [4 August 2014] (K Shanmugam, Minister for Law).

7 Ministry of Law, “Government Accepts All Recommendations by Committee to Review and Enhance Reforms in the Family Justice System”, press release (24 February 2020) <<https://www.mlaw.gov.sg/news/press-releases/government-accepts-all-recommendations-by-committee-to-review-and-enhance-reforms-in-the-family-justice-system/>>(accessed 17 April 2026).

8 Justice Debbie Ong, Family Justice Courts, “Family Justice Courts Workplan 2020: Today is a New Day” (21 May 2020) at para 43.

9 Justice Debbie Ong, Family Justice Courts, “Family Justice Courts Workplan 2020: Today is a New Day” (21 May 2020) at para 39.

10 *VZD v VEA* [2020] 2 SLR 858 at [77].

normative principle of *ihsan*.<sup>11</sup> In *FB v FC*,<sup>12</sup> the Singapore Syariah Court (“SYC”) affirmed that it administers TJ. *Ihsan* is striving towards excellence through good deeds and righteous conduct; in the family context, it manifests as tranquillity, love, and mercy,<sup>13</sup> and is reflected through an administration of justice that upholds fairness, kindness, and compassion among family members, even during marital breakdown.<sup>14</sup>

4 This article demonstrates how TJ finds organic expression in the SYC from the values and purposes inherent in Islamic jurisprudence through the principle of *ihsan* – a jurisprudential commitment to excellence in conduct that informs judicial discretion, professional responsibility and institutional design. Drawing on SYC jurisprudence, institutional practices and Islamic legal principles, this article also demonstrates how *ihsan* functions as an anchoring framework that aligns closely with TJ objectives. In doing so, it situates Muslim family law as a meaningful contributor to broader conversations on TJ and family justice reform.

## **I. Therapeutic justice in Muslim legal tradition**

5 The *Quran*,<sup>15</sup> the most sacred source of law to Muslims, describes the divine message as one of “healing” (*shifa*) and

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11 Guy Ghazali, Senior President of the Syariah Court, speech at the Syariah Court’s 65th Anniversary Event (24 November 2023) at para 17 <<https://syariahcourt.gov.sg/-/media/Project/Syariah-Court/Public-Website/Resources/Press-Releases-and-Media-Articles/2023/Published-on-24-November-2023/SP-SYCs-speech-for-SYCs-65th-anniversary-on-24-November-2023-for-website.pdf>> (accessed 17 April 2026) (“Speech at the Syariah Court’s 65th Anniversary Event”).

12 [2021] SGSYC 5.

13 Surah Ar-Rum: 3: “And among His Signs is this, that He created for you mates from among yourselves, that you may dwell in tranquillity with them, and He has put love and mercy between your hearts; verily in that are Signs for those who reflect.”

14 Speech at the Syariah Court’s 65th Anniversary Event at para 17.

15 Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Islamic Texts Society, 1991) at p 14:

*Qur’an* literally means ‘reading’ or ‘recitation’... The revelation of the *Qur’an* began with the Sura al-Alaq (96:1) starting with the words ‘*Read in the name of your Lord*’ and ending with the *ayah* in Surah al-Ma’idah (5:3): ‘Today I have perfected your religion for you and completed my favour toward you, and chose Islam as your religion.’

“mercy” (*rahmah*)<sup>16</sup> – values which are embodied in the character of the Prophet Muhammad (pbuh) and transmitted through his *Sunnah*,<sup>17</sup> the second primary source of law detailed within a collection of *Hadith*.<sup>18</sup>

6 The objective of the law (the *al-Maqasid* of the *Syariah*) is directed towards regulating human conduct, specifically the protection of essential human interests – life, mind, religion, property and offspring.<sup>19</sup> In family relations, the law emphasises fostering well-being, harmony and good conduct, and this mirrors TJ’s focus on healing and restoration. Islamic jurisprudence developed over centuries by established methods of legal reasoning: consensus among qualified jurists (*ijma*)<sup>20</sup> and reasoning by analogy (*qiyas*), both applied through *ijtihad* (independent legal reasoning). This development is characterised by “dynamism and continuous evolution”.<sup>21</sup> *Ijtihad* has been

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16 Surah al-Isra’ 17:82: “We send down in the Quran that which is a healing and a mercy to those who believe; to the unjust it causes nothing but loss after loss.”

17 Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Islamic Texts Society, 1991) at p 44:

Literally, *Sunnah* means a clear path or a beaten track ... To the ulema of *Hadith*, *Sunnah* refers to all that is narrated from the Prophet, his acts, his sayings and whatever he has tacitly approved, plus all the reports which describe his physical attributes and character.

18 Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Islamic Texts Society, 1991) at p 47:

*Hadith* means a narrative, communication or news consisting of the factual account of an event. *Hadith* differs from *Sunnah* in the sense that *Hadith* is a narration of the conduct of the Prophet whereas *Sunnah* is the example or the law deduced from it.

19 Wael B Hallaq, *An Introduction to Islamic Law* (Cambridge University Press, 2009) at p 26.

20 Ahmad Nizam Abbas, Istyana Putri Ibrahim & Maryam Hasanah Rozlan, *Muslim Family Law in Singapore* (Academy Publishing, 2022) at para 1.32:

The concept of *ijma* was referred to in the 1988 Appeal Board decision of *Ayisha Begum d/o K M K Saigu Abdul Kader v Hajiah Maideen s/o Nainamusa* ... the concept of ‘*ijma*’ (consensus) [is] so deeply rooted in our system of jurisprudence.

21 Mufti Dr Nazirudin Mohd Nasir, speech at the Fatwa Lab Symposium (23 June 2025) <<https://www.muis.gov.sg/resources/speeches/speech-by-mufti-dr-nazirudin-mohd-nasir-at-fatwa-lab-symposium/>> (accessed 17 April 2026).

described as “the means with which religious thought renews itself as Islam progresses through time”.<sup>22</sup>

## **II. Therapeutic justice in the Syariah Court**

7 Against this backdrop, SYC represents the intersection of Islamic legal principles and a modern statutory framework.<sup>23</sup> *Ihsan* is closely intertwined with the idea of justice (*adl*). The Quranic command is unequivocal: “*God commands justice (adl) and excellence (ihsan)*”.<sup>24</sup> For SYC, *ihsan* is a normative guide informing conduct and a principled exercise of discretion for decision-making; it shapes how law is administered for outcomes that minimise harm, preserve dignity and equitability, and prioritise the well-being of families and children.

### **A. *Ihsan in practice***

8 The practical application of *ihsan* is best understood through SYC’s approach to high-conflict family disputes. Clear illustrations can be gleaned from SYC’s approach to the determination of divorce, child welfare matters and financial provisions.

9 The court’s articulation of *ihsan* and TJ in *FB v FC*<sup>25</sup> is instructive. The case involved cross-applications for variation of orders involving the parties’ only child, aged five years old. Parties filed voluminous affidavits, containing intrusive evidence reflecting the parties’ entrenched conflict – photographs, transcripts of audio recordings and video stills of the child. The court refrained from rehearsing the parties’ allegations against each other in its written judgment, emphasising that

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22 Mufti Dr Nazirudin Mohd Nasir, speech at the Fatwa Lab Symposium (23 June 2025) <<https://www.muis.gov.sg/resources/speeches/speech-by-mufti-dr-nazirudin-mohd-nasir-at-fatwa-lab-symposium/>>(accessed 17 April 2026).

23 Administration of Muslim Law Act 1966 (2020 Rev Ed).

24 Surah An-Nahl: 90: “Allah commands justice and excellence (the doing of good), and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion: He instructs you, that you may receive admonition.”

25 [2021] SCSYC 5.

doing so would be contrary to TJ objectives.<sup>26</sup> The court also rejected recordings and photographs of the child as litigation tools, observing that such practice was adverse to the child’s psychological well-being.<sup>27</sup> The court’s decision reflects *ihsan*’s emphasis on dignity, restraint and the child’s welfare.

10 Parties themselves bear a responsibility to co-operate and not conduct themselves in a manner contrary to the spirit of TJ.<sup>28</sup> The court recognised that family dispute resolution requires a multi-disciplinary approach involving family specialists with different expertise, such as legal and social science, united by a shared commitment to protect the welfare of families and children.<sup>29</sup> In the SYC, this multi-disciplinary ecosystem involves lawyers, social science professionals and *asatizah* (religious scholars).<sup>30</sup>

## **B. Ihsan in marriage and divorce**

11 In *Sunariah bte Kaprawi v Satimin bin Hj Ahmad*,<sup>31</sup> the Syariah Appeal Board, deciding the wife’s appeal against the SYC’s decision to reject her divorce application, referred to Quranic verse “either take them [wives] back on equitable terms or set them free on equitable terms”. Given the husband’s “callous conduct” and since there was no possibility that the parties could “live together harmoniously”, the court granted the divorce. This decision exemplifies a compassionate approach inherent in Muslim law that prioritises equitability and the prevention of harm over the preservation of the marriage as its continuance might cause further detriment to the parties.

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26 *FB v FC* [2021] SGSYC 5 at [18].

27 *FB v FC* [2021] SGSYC 5 at [16]–[17].

28 *FB v FC* [2021] SGSYC 5 at [12].

29 *FB v FC* [2021] SGSYC 5 at [1].

30 Guy Ghazali, Senior President of the Syariah Court, welcome address at the SYC Practice Forum 2024: The Ties That Bind on 1 August 2024 (1 August 2024) at para 22 <<https://syariahcourt.gov.sg/-/media/Project/Syariah-Court/Public-Website/Resources/Press-Releases-and-Media-Articles/2024/Opening-Address-by-Mdm-Guy-Ghazali-Senior-President-Syariah-Court.pdf>> (accessed 17 April 2026) (“Welcome Address at the SYC Practice Forum 2024”).

31 (1982) 1 SSAR 1.

12 In Appeal No 4 of 2024 (unreported),<sup>32</sup> the Appeal Board held that the wife who refused to let the husband return home, against the backdrop of ongoing personal protection order applications against each other, was not *nusyuz* (failure to fulfil marital obligations). The Appeal Board considered that the wife’s conduct was not inexcusable given the volatile domestic situation which necessitated prioritising her and her children’s safety. This case illustrates the need for a compassionate approach that minimises harm to parties and children.

### **C. *Ihsan in custody and child matters***

13 While *ihsan*’s application in divorce proceedings emphasises compassion during marital breakdown, its influence is most pronounced in matters concerning children. The SYC has emphasised that the welfare principle is not an imported principle from civil courts but is entrenched in Muslim law.<sup>33</sup> The welfare principle is determined case-by-case through *ijtihad* or independent legal reasoning.<sup>34</sup> This exercise of *ijtihad* reflects *ihsan* – delivering justice tailored to the family’s specific needs and preserving the community’s as well as the broader society’s social fabric.

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32 The wife (appellant) was represented by the Legal Aid Bureau in the appeal proceedings, whereas the husband was unrepresented. The Appeal Board reversed the Syariah Court (“SYC”)’s decision on finding the wife’s conduct to be *nusyuz* and awarded her *nafkah iddah*. Under Muslim law, if the court finds a wife to be *nusyuz* as the primary cause of the marital breakdown, she is not entitled to receive *nafkah iddah* from her husband consequent on divorce.

33 Speech at the Syariah Court’s 65th Anniversary Event at para 6.

34 Speech at the Syariah Court’s 65th Anniversary Event at para 6. See also *DA v DC* (2020) 8 SSAR 72 at [15].

14 In *Heng Hock Kim Lena v Mohd Zaini bin Salleh*,<sup>35</sup> the Appeal Board analysed a number of legal commentaries,<sup>36</sup> and concluded that:<sup>37</sup>

... all rules of Muslim law relating to guardianship and custody of the minor children are merely the application of the principle of benefit of the minor to diverse circumstances. The welfare of the minor children remains the dominant consideration.

15 Independent legal reasoning is key in administering justice based on *ihsan*. This allows the SYC to expound on the traditional principles of *hadhanah*,<sup>38</sup> where the main consideration is the welfare and interest of the child, to be determined on a case-by-case basis,<sup>39</sup> and apply them to contemporary concepts such as joint custody and shared care and control.

16 The Appeal Board, applying *ijtihad* in the case of *Shaik Mohd Danial bin Abdul Mannan v Nor Adyanti Adanan*,<sup>40</sup> noted that although contemporary understanding of joint custody is “admittedly, novel and could hardly be found in traditional Islamic jurisprudence on *hadhanah*”, support for joint custody principles is “legion even though it is not direct”.<sup>41</sup> The Appeal Board cited Quranic verses highlighting the practice of consultation (*syura*) in the context of marriage and family life,<sup>42</sup>

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35 (1999) 3 SSAR 91.

36 *Principles of Mohamedan Law* (13th Ed); Ahmad Ibrahim, *Family Law in Malaysia and Singapore* (Malaysian Law Journal, 2nd Ed, 1984); Imam Nawawi, *Minhaj et Talibin, A Manual of Muhammadan Law According to the School of Shafii*; and Syed Ameer Ali, *Mahommedan Law* (Law Publishing Company, 7th Ed, 1976) vol 2. In a more recent case of *GQ v GR* (2023) 9 SSAR 237 at [16], the SYC cited an additional source, namely, the position of Imam As-Shaukani & Muhammad bin Ali bin Muhammad bin Abdullah, *Nailul Authar* (Darul Hadith, 1993) vol 6 at p 393, which supports the application of the best interest principle when deciding on the custody of the child.

37 *Heng Hock Kim Lena v Mohd Zaini bin Salleh* (1999) 3 SSAR 91 at [32].

38 *Hadhanah* means the caring for and bringing up of a child, including the provision of food and education. See *DA v DC* (2020) 8 SSAR 72 at [9].

39 *DA v DC* (2020) 8 SSAR 72 at [15].

40 (2008) 3 SSAR 163.

41 *Shaik Mohd Danial bin Abdul Mannan v Nor Adyanti Adanan* (2008) 3 SSAR 163 at [15].

42 Surah Al-Baqarah 2:233: “and if both (parents) decide (on weaning), by mutual consent and after due consultation, there is no blame on them”; Surah At-Talaq 65:6: “and take mutual counsel together, according to what is just and reasonable (about the child’s future)”.

affirming that “any resolution of dispute about the child should be resolved in, not only fair, but good manner as interpreted by many prominent Muslim exegetes”.<sup>43</sup> Good and effective co-parenting was thus recognised as an ideal TJ outcome. The Appeal Board reminded parties to overcome negative feelings and focus on a positive future: “Life must move on and such feelings cannot be sustained in perpetuity. Islam forbids a Muslim to continuously harbour negative feelings towards the other”.<sup>44</sup>

17 In *IB v IC*,<sup>45</sup> the children were triangulated in their parents’ dispute, exposed to inappropriate and excessive disclosure of information and often compelled to take sides.<sup>46</sup> The court observed that both parents could have been more attuned to the children’s needs and well-being.<sup>47</sup> Having assessed that the children required both parents “to fill each other’s gaps ... so that their needs [could] be satisfactorily met”, the court ordered shared care and control of the children to both parents,<sup>48</sup> noting that it would disadvantage the children if care and control were granted to only one parent.<sup>49</sup>

18 In determining the welfare of the child, the SYC may interview children if they have reached the age of discernment.<sup>50</sup> The Appeal Board in *Khadijah bte Omar v Mohamed Yusoff B Seeni Rawther*<sup>51</sup> affirmed that considering the child’s wishes in determining who the child should live with has its basis in Islamic law.<sup>52</sup> The court in *FD v FE*<sup>53</sup> elaborated on a *Hadith* which described the Prophet Muhammad (pbuh) to have said to a child whose parents both wanted to take him with them: “O boy,

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43 *Shaik Mohd Danial bin Abdul Mannan v Nor Adyanti Adanan* (2008) 3 SSAR 163 at [19].

44 *Shaik Mohd Danial bin Abdul Mannan v Nor Adyanti Adanan* (2008) 3 SSAR 163 at [20], citing a *Hadith* on good conduct: “A Muslim is a brother of another Muslim; he neither oppresses him nor does he look down upon him, nor does he humiliate him. Piety is here (and he pointed to his chest three times).”

45 (2023) 9 SSAR 590.

46 *IB v IC* (2023) 9 SSAR 590 at [50].

47 *IB v IC* (2023) 9 SSAR 590 at [50].

48 *IB v IC* (2023) 9 SSAR 590 at [51].

49 *IB v IC* (2023) 9 SSAR 590 at [51].

50 Typically, when the child is seven years of age.

51 *Khadijah bte Omar v Mohamed Yusoff B Seeni Rawther* (2001) 3 SSAR 109.

52 *Khadijah bte Omar v Mohamed Yusoff B Seeni Rawther* (2001) 3 SSAR 109 at [22].

53 (2021) 9 SSAR 55.

this is your father and this is your mother; take the hand of whichever of them you want”.<sup>54</sup> The child took his mother’s hand and left with his mother. Whilst a child’s wish is relevant, the court can consider other factors when determining the child’s care arrangements as the overriding principle is the child’s best interest.<sup>55</sup>

#### D. Ihsan in provision for *nafkah iddah* and *mutaah*

19 *Ihsan* also informs the law and practice on *nafkah iddah* and *mutaah*. In *EV v EW*,<sup>56</sup> the court observed that while the basis for payment of *nafkah iddah* (for a divorced wife in a revocable divorce situation) is based on a *Hadith*,<sup>57</sup> what constitutes a reasonable amount depends on the husband’s financial capabilities (based on Qur’anic verse on *mutaah*<sup>58</sup>) which must be balanced against the wife’s individual needs (referring to legal commentary, *Minhaj et Talibin*).<sup>59</sup> Arriving at an equitable outcome in any case therefore requires the judge to balance a set of facts and considerations when exercising his discretion, thus reflecting TJ’s emphasis on proportionality and fairness.

20 Local jurisprudence has further developed the concept of *mutaah* payment on compassionate grounds. In *Dali bin Mohamed Noor v Rubaidah bte Tabri*,<sup>60</sup> the Appeal Board observed that it has been established in Singapore that “although *mutaah* is not obligatory when the divorce is caused by the wife or due to her fault, the wife is still entitled to *mutaah* if the circumstances of the case merit on compassion as a matter of *ihsan*”.<sup>61</sup> This is an example of TJ values which seek to actively restore good familial relationships and encourage forgiveness, rather than punitive outcomes.<sup>62</sup>

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54 *FD v FE* (2021) 9 SSAR 55 at [13].

55 *FD v FE* (2021) 9 SSAR 55 at [14]–[18].

56 (2021) 9 SSAR 7.

57 *EV v EW* (2021) 9 SSAR 7 at [25].

58 *EV v EW* (2021) 9 SSAR 7 at [26].

59 *EV v EW* (2021) 9 SSAR 7 at [27].

60 (2010) 2 SSAR 221.

61 *Dali bin Mohamed Noor v Rubaidah bte Tabri* (2010) 2 SSAR 221 at [9].

62 *Dali bin Mohamed Noor v Rubaidah bte Tabri* (2010) 2 SSAR 221 at [9]: “It should reflect well on the appellant that despite what the respondent had done, he  
(cont’d on the next page)

### III. Syariah Court's institutional practices

21 The judicial application of *ihsan* in case law is reflected in institutional commitments embedded in the SYC's practices. *Ihsan* operates across five key areas of practice, each designed to operationalise therapeutic outcomes.

#### A. Pre-divorce counselling – Marriage Counselling Programme

22 One feature of TJ (and *ihsan*) is the multi-disciplinary processes within the legal framework, such as mediation and counselling, to facilitate amicable resolution and reduce acrimony. From its inception in 1958, the SYC institutionalised pre-divorce counselling as a means of ensuring that divorce remains a measure of last resort, reflecting *ihsan*'s emphasis on restraint and reconciliation.<sup>63</sup> Pre-divorce counselling was formalised in 2004 as an administrative pre-court programme known as the Marriage Counselling Programme (“MCP”) and subsequently mandated in 2018.<sup>64</sup> From 2019 to 2023, nearly 40% of MCP clients did not proceed to file for divorce.<sup>65</sup>

#### B. Mediation as the first court event in the divorce stage

23 Mediation features significantly in the SYC divorce process. Introduced in 1999 with the primary aim of preventing conflict escalation, mediation is the first court event that parties must attend in the SYC. It provides a platform for parties to resolve disputes amicably without filing affidavits. If parties

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will be compensating her as a matter of *ihsan*.”

63 The impact of pre-divorce counselling when implemented was immediate – Muslim divorces reduced from 493 per 1000 marriages in 1958 to 273 per 1000 marriages in 1959. See “Syariah Court is Established”, *NLB* <<https://www.nlb.gov.sg/main/article-detail?cmsuuid=1dfc64cf-8977-4c3d-9130-1a44ab1241c4>> (accessed 17 April 2026).

64 Administration of Muslim Law (Amendment) Act 2017 (Act 33 of 2017).

65 Masagos Zulkifli, Minister for Social and Family Development, Second Minister for Health, and Minister-in-charge of Muslim Affairs, “Syariah Court's Community of Practice event for Marriage Counselling Programme” (20 February 2025) at para 7 <<https://www.mccy.gov.sg/about-us/news-and-resources/syariah-court-s-community-of-practice-event-for-marriage-counselling-programme/>> (accessed 17 April 2026).

reach agreement on all issues at mediation, the court enters a consent order and concludes the case on the same day.<sup>66</sup>

### C. **Talak as a form of no-fault divorce**

24 There are four grounds of divorce under the Administration of Muslim Law Act 1966<sup>67</sup> (“AMLA”), two being non-fault grounds: *khuluk* (divorce by redemption)<sup>68</sup> and *talak* (divorce by husband’s pronouncement). A party seeking divorce on a non-fault ground does not have to prove fault on the part of their spouse or to produce witnesses. This prevents the escalation of acrimony between divorcing parties by avoiding the need to attribute blame.

25 *Talak* is the most common ground of divorce in the SYC. *Talak* is the husband’s pronouncement of divorce but can be relied on by either spouse as a ground for divorce. Divorce on the ground of *talak* can be decreed by the court with a simple utterance of “I divorce my wife” by the husband. Parties need not file voluminous affidavits, cross-examine, be cross-examined, or produce witnesses. Between 2021 and 2023 (both years inclusive), divorces registered on the ground of *talak* constituted 95% of the total divorces registered at the SYC.<sup>69</sup> In 68% of these cases, the plaintiff was the wife<sup>70</sup> which shows that the ground of *talak* facilitates non-contentious divorces for wives, not just husbands.

26 To ensure that *talak* is pronounced ethically, the SYC has expended efforts on public education. Husbands are encouraged

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66 In 2023, the median and average time taken at the SYC to conclude divorce cases involving parties who agreed on the divorce and ancillary matters at mediation stage was four months: Ministry of Culture, Community & Youth, “Median and Average Case Duration for Muslim Divorces” (2 July 2024) <<https://www.mccy.gov.sg/about-us/news-and-resources/median-and-average-case-duration-for-muslim-divorces/>> (accessed 17 April 2026).

67 2020 Rev Ed.

68 The wife will pay the husband a redemption amount for the divorce, which will be agreed by both parties or assessed by the court.

69 Welcome Address at the SYC Practice Forum 2024 at para 12.

70 Welcome Address at the SYC Practice Forum 2024 at para 12.

to pronounce *talak* in court, not out of court, to prevent injustice to wives and avoid ambiguity or disputes about what was uttered.<sup>71</sup>

#### **D. Marital conciliation to resolve marital dispute**

27 Marital conciliation process or *hakam*<sup>72</sup> under s 50 of the AMLA is unique to the SYC divorce process. *Hakam* serves as the juridical alternative to fault-based adjudication – a mechanism that preserves the dignity of parties while avoiding trials or undue delay where divorce is not agreed and the husband refuses to pronounce *talak*.<sup>73</sup> The *hakam*'s role is to explore the possibility of reconciliation. If reconciliation cannot be achieved, the *hakam* facilitates amicable divorce, including to pronounce divorce if both *hakam* are of the joint opinion that the parties should be divorced. This approach embodies the Islamic imperative that divorce, when unavoidable, must be conducted with kindness and compassion.<sup>74</sup> Through the *hakam* process, contested divorces become uncontested. Witnesses and proof of fault are not required. The *hakam* need only be satisfied that marital discord exists such that continuing the marriage will cause hardship or harm to the parties.<sup>75</sup>

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71 See p 4 of <<https://syariahcourt.gov.sg/-/media/Project/Syariah-Court/Public-Website/Resources/Press-Releases-and-Media-Articles/2023/Published-17-September-2023/BM-articles-published-on-17-September-2023---English-translation.pdf>> (accessed 17 April 2026).

72 Surah An-Nisa 4:35: "If you fear a breach between them, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation."

73 The court appoints marital conciliators or *hakam* from its panel of *hakam*, made up of *asatizah* (religious scholars), based on parties' selection.

74 Guy Ghazali, Senior President of the Syariah Court, speech at the Syariah Court's Hakam Empanelment Ceremony (10 March 2023) at para 9 <<https://syariahcourt.gov.sg/-/media/Project/Syariah-Court/Public-Website/Resources/Press-Releases-and-Media-Articles/2023/Published-10-March-2023/Hakam-Empanelment-Ceremony.pdf>> (accessed 17 April 2026).

75 Welcome Address at the SYC Practice Forum 2024 at para 17. To support the *hakam* in discharging their role, the SYC launched a structured training and assessment framework for *hakam* called HIKMAH in 2023. HIKMAH stands for "Hakam's Ideals – Knowledge, Methodology, Application, Heart" and represents the attributes that the SYC requires of and aspires for its *hakam*.

**E. Efforts to enhance child-centricity in the Syariah Court divorce process**

28 To further enhance child-centricity in the SYC, a court counselling framework was established in July 2022 with the appointment of the SYC’s first Principal Court Therapeutic Specialist who had two decades of experience as a court family specialist with the FJC.<sup>76</sup> Joint child interviews were introduced in September that year, building upon the SYC’s longstanding practice of interviewing children.<sup>77</sup> In 2023, the SYC launched its Child Representative scheme comprising social science professionals whose role is to assist children in expressing views to the court, and to help the court ascertain the child’s wishes and welfare.<sup>78</sup>

**IV. Way forward**

29 TJ principles are not extrinsic to Muslim family law practice but are interwoven with *ihsan*, and guide the pursuit of “excellence in conduct”. Having traced the conceptual roots, jurisprudential development and lived application of TJ objectives in the SYC, this final section considers how *ihsan* may be more intentionally articulated and sustained as an anchoring framework for Muslim family justice administration.

**A. Grounding legal practice in *ihsan***

30 Legal practice should continue being grounded in *ihsan*. Family lawyers play a significant role in shaping parties’ experience of justice. Professional responsibility extends beyond technical competence to include empathy, restraint and proportionality in advising parties and advancing claims. For example, financial claims should reflect realistic needs and financial capacities,

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76 See pp 5–8 of <<https://syariahcourt.gov.sg/-/media/Project/Syariah-Court/Public-Website/Resources/Press-Releases-and-Media-Articles/2023/Published-17-September-2023/BM-articles-published-on-17-September-2023---English-translation.pdf>> (accessed 17 April 2026).

77 The joint child interview process is where children are interviewed by the President (SYC judge) together with a court therapeutic specialist.

78 Speech at the Syariah Court’s 65th Anniversary Event at paras 7–10.

based on reasonable assessments and relevant precedents; affidavits should avoid unnecessary recrimination; and case strategy should be directed towards resolution not escalation, reinforcing the lawyer's role as a facilitator of healing.

**B. *Articulating ihsan in judicial reasoning***

31 Judicial decisions should continue articulating *ihsan* as a meaningful conduct benchmark. By recognising, acknowledging and encouraging co-operative behaviour in written grounds (as the SYC did in *FB v FC*<sup>79</sup>), the court affirms that excellence in conduct forms part of the delivery of justice itself. Judicial articulation, through guidance or expression of approval or disapproval, shapes behavioural norms whereby parties are incentivised to conduct themselves responsibly and avoid conduct that may subject them to the court's scrutiny and reproach.

**C. *Inter-disciplinary capabilities***

32 Effective administration of *ihsan* requires multi-disciplinary collaboration among legal, social science and religious professionals. In SYC, there are inter-disciplinary capabilities, beyond simply a multi-disciplinary approach, such as *asatizah* Presidents who are trained in civil law, *asatizah* in the community with social science training, and court therapeutic specialists with prior experience in court settings. This anchors the development of an ecosystem of family professionals with multiple domain expertise who have deep overall understanding of the interplay between law, social science interventions and religious guidance. These strengthened capabilities are key in delivering *ihsan* in divorce cases, and in building strong family foundations rooted on values and aspirations. These capabilities are also important in informing public education and driving thought leadership initiatives which straddle different specialist domains.

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79 [2021] SGSYC 5.

**D. Knowledge as an essential ingredient in Syariah Court practice**

33 The practice of Muslim family law in Singapore has developed significantly in recent years, with more literature and public education efforts. In 2022, a dedicated textbook on Muslim family law in Singapore was published.<sup>80</sup> Since 2020, three volumes of the Singapore Syariah Appeal Reports,<sup>81</sup> containing decisions from the Syariah Appeal Board and the SYC, have been issued. There are more Muslim family law initiatives, including the Muslim Law Practice Course organised by the National University of Singapore (“NUS”), the SYC-initiated SYC Practice Forum and SYC65 Conference, the Law Society’s Family Conference (featuring a segment on SYC practice), seminars organised by the Law Society and the Singapore Academy of Law (“SAL”), and Islamic law modules convened by NUS and the Singapore University of Social Sciences. SAL also offers the Family Therapeutic Justice Certificate Programme.

34 Knowledge of the law and procedure is critical in enabling lawyers to manage clients’ expectations, prevent conflict escalation, and curate legal submissions. It is key in ensuring the effective delivery of therapeutic justice.

35 There is currently no accreditation framework for SYC practitioners. While accreditation does not have to be mandatory, an accreditation framework would incentivise SYC practitioners to keep themselves abreast of family practice developments and provide clients with the option of engaging accredited practitioners. The SYC could work with the Singapore College of Islamic Studies (expected to open in 2028), SAL, the Law Society, and universities to develop customised modules, including utilising existing programmes and platforms. These modules should minimally cover (a) an overview of family law in Singapore, including SYC’s interaction with the civil courts; (b) Muslim family law topics such as Muslim divorces and

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80 Ahmad Nizam Abbas, Istyana Putri Ibrahim & Maryam Hasanah Rozlan, *Muslim Family Law in Singapore* (Academy Publishing, 2022).

81 Volume 7 was published in 2020, Volume 8 in 2022, and Volume 9 in 2024.

financial provisions upon divorce; (c) SYC practice and procedure, including sharing on best practices and feedback from the Bench; (d) jurisprudential developments; and (v) therapeutic justice, including social science and child welfare considerations.

**V. Conclusion: integrating therapeutic justice and *ihsan***

36 The integration of therapeutic justice principles with the Islamic concept of *ihsan* within Singapore’s family justice system reflects a principled and context-sensitive form of legal pluralism. It demonstrates that Islamic legal tradition possesses not only moral resonance, but also the jurisprudential capacity to respond meaningfully to family disputes. By identifying and reinforcing shared values and ethical commitments, the SYC divorce process remains coherent, adaptive and attentive to lived realities. In this way, TJ and a faith-based legal framework do not merely coexist; they reinforce one another, ensuring that justice is not merely dispensed but experienced by parties as a path towards healing, responsibility and positive transformation.