

Book Review

MARRIAGE, SPOUSES AND ASSETS¹

by Leong Wai Kum

CHAN Wing Cheong

Professor of Law

Yong Pung How School of Law

Singapore Management University.

1 It is a given that any work by Prof Leong will deliver an authoritative and systematic exposition of the law. *Marriage, Spouses and Assets*, however, raises the bar by integrating procedural rules seamlessly with doctrinal analysis and theoretical discussion within a single volume. This is an impressive achievement, considering the sweeping transformation of Singapore's family law since 2022, ranging from amendments to the Women's Charter² to introduction of new subsidiary legislation,³ and practice directions and court forms issued by the Family Justice Courts.⁴

2 The need for integration of substantive law and procedure seems so natural and intuitive; understanding any area of the law is, after all, incomplete without a firm grasp of the applicable procedural framework. So why has this integration not been attempted before? The reason is simple: it demands a scholar with complete mastery of substantive law, procedure, and policy considerations that underpin the family justice system. Only someone with Prof Leong's comprehensive and deep command of the field could weave these threads together with clarity and confidence.

3 A central theme of the book is Singapore's shift from an adversarial paradigm to the Therapeutic Justice model that was formally adopted by the Family Justice Courts in 2020. Chief Justice Sundaresh Menon described this shift as "the most significant and consequential change in

1 Academy Publishing, 2025.

2 Women's Charter (Amendment) Act 2022 (Act 3 of 2022); Family Justice Reform Act 2023 (Act 18 of 2023); Women's Charter (Family Violence and Other Matters) (Amendment) Act 2023 (Act 21 of 2023).

3 Women's Charter (Family Violence) Rules 2024; Women's Charter (Enforcement of Maintenance Orders under Division 3 of Part 9) Regulations 2024; Family Justice (General) Rules 2024.

4 Family Justice Courts Practice Directions 2024; Family Justice Courts' Therapeutic Justice Model 2024.

our family justice system”⁵ Therapeutic Justice reorients family litigation towards a judge-led process that prioritises collaborative problem-solving and restoration of family relationships. Prof Leong situates this normative transformation within the broader legal framework, demonstrating how procedural rules, such as early settlement initiatives, restrictions on filing of affidavits, and multi-disciplinary team management of complex cases are not merely administrative measures but serve substantive justice and family-centric settlements.⁶ This analysis is particularly important in order to understand the deeper rationale behind the procedural reforms.

4 The book is organised into 13 chapters, each addressing critical aspects of the non-Muslim family law in Singapore:

Chapters 1 and 2: Marriage Formation; Void and Voidable Marriages

These chapters outline the requirements for solemnisation and registration of non-Muslim marriages, and explain the grounds for nullity of marriage.

Chapter 3: Equal Cooperative Partnership of Different Efforts

Here, Prof Leong advances her signature interpretative lens of marital obligations, tracing its doctrinal lineage to s 46 of the Women’s Charter 1961,⁷ a provision she aptly celebrates as a “genius of legislative draughtsmanship”⁸

Chapter 4: Marital Agreements

This chapter explores the jurisprudential tension between party autonomy and judicial oversight, situating Singapore’s approach within an equitable framework that prioritises fairness.⁹

5 Chief Justice Sundaresh Menon, Supreme Court of Singapore, “Special Address at the 4th Asian Family Conference – Transformation of the Family Justice System in Singapore” (7 November 2024) <<https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon--special-address-at-the-4th-asian-family-conference>> (accessed 20 January 2026).

6 As a measure of the success of the Singapore system, 66% of divorce cases in 2023 were filed on the simplified track where parties agree on all the issues relating to the divorce and the ancillary matters as compared to 24% when the simplified track was first launched in 2015. Even for cases that do not proceed on the simplified track, only 8% of the total number of divorce applications proceeded to a contested hearing, see n 5.

7 2020 Rev Ed.

8 Leong Wai Kum, *Marriage, Spouses and Assets* (Academy Publishing, 2025) at para 3.128.

9 A case (not discussed in the book) which illustrates this perfectly is *WNW v WNX* [2024] 3 SLR 1761. In that case, the matrimonial home was held in joint tenancy in the names of the husband and the husband’s mother. The husband and the wife agreed between them that only 50% of the value of the matrimonial home should
(cont’d on the next page)

Chapter 5: Family Violence

This chapter reviews the 2023 amendments that have replaced the entire Pt 7 of the Women's Charter 1961. These amendments have significantly widened and strengthened the protection against family violence.

Chapter 6: Maintenance Between Spouses During Marriage

This chapter examines the eligibility, assessment and enforcement of spousal maintenance. Not one to shy away from divisive issues, Prof Leong renews her call for spousal equality in this area, a stance she first championed nearly 40 years ago.¹⁰

Chapter 7: Property Ownership During Marriage

In this chapter, legal and beneficial ownership of property are discussed, foreshadowing the deferred community of property regime that applies under s 112 of the Women's Charter 1961.

Chapters 8 and 9: Separation and Divorce; Divorce Litigation

These two chapters detail the grounds for divorce, judicial case management, and procedural innovations designed to resolve divorces expeditiously and achieve child-centred outcomes.

Chapters 10 to 12: Division of Matrimonial Assets

These three chapters are the core of the book, comprising one-third of its content. These chapters interrogate the "just and equitable" standard, critique the definitional ambiguities in "matrimonial assets", and advocate for a therapeutic justice mindset in asset division.

Chapter 13: Maintenance Between Divorced Spouses

The concluding chapter addresses post-divorce maintenance within the context of asset division between the parties.

5 In the area of division of matrimonial assets, there are still several unresolved issues, for example:

be included for the purposes of dividing their matrimonial assets. However, the husband's mother passed away unexpectedly, and the husband became owner of the entire property in his sole name. Andrew Ang SJ held that the parties' agreement did not bind the court since it was only one factor to be considered under s 112(1) of the Women's Charter 1961 (2020 Rev Ed).

10 Leong Wai Kum, *Marriage, Spouses and Assets* (Academy Publishing, 2025) at para 6.26.

(a) Is the *ANJ v ANK*¹¹ structured approach¹² for dual-income marriages so distinct from the *TNL v TNK*¹³ approach for single-income marriages?¹⁴ Prof Leong points out that recent developments have lessened the distinction between the two because the latter approach can apply even where the homemaker spouse¹⁵ worked part-time or even full time for short periods during the marriage.¹⁶

(b) Is it fair for the entire matrimonial home, even if it had been acquired before marriage or inherited by one party, to automatically qualify as a matrimonial asset, irrespective of the duration that the married couple may have stayed in it or the duration of the marriage?¹⁷

(c) Is there truly a deferred community of property if the law allows one spouse to make a Will to disinherit the other spouse on his or her death? Why should there be a difference between marriages terminated by death or through divorce?¹⁸

6 It is so easy to miss the big picture in the face of these issues. Prof Leong's influence on Singapore's family law is unparalleled. Her views, often endorsed by the highest courts,¹⁹ have shaped the law for over

11 [2015] 4 SLR 1043 ("*ANJ v ANK*").

12 This approach is unfortunately "more complicated than it needs to be": see Leong Wai Kum, *Marriage, Spouses and Assets* (Academy Publishing, 2025) at para 12.160.

13 [2017] 1 SLR 609 ("*TNL v TNK*").

14 The reason for having two different approaches is that the *ANJ v ANK* structured approach favours the breadwinner spouse over the homemaker spouse. Under the *TNL v TNK* approach, the court looks at the trends in past cases (where spouses in long marriages tend to receive equal or close to equal division of the assets), whereas in the *ANJ v ANK* structured approach, the court makes a specific finding of the direct and indirect contributions of the parties relative to each other.

15 This is a qualitative assessment as to the roles played by the spouses: see *WXW v WXX* [2025] SGHC(A) 2 at [13].

16 See Leong Wai Kum, *Marriage, Spouses and Assets* (Academy Publishing, 2025) at paras 12.145–12.159. It is interesting to note that in *TOE v TOF* [2020] SGHCF 18, the High Court (Family Division) allowed the wife to use the *ANJ v ANK* structured approach despite her being a homemaker throughout the marriage. The Court of Appeal did not change the lower court's order because there was no appeal by the wife even though they pointed out that the wrong approach was used: see *TOF v TOE* [2021] 2 SLR 976 at [138].

17 See for example *VPH v VPI* [2021] SGHCF 22 at [26]–[28]. Not surprisingly, this inevitably leads to disputes over when a property counts as a matrimonial home: see *VOD v VOC* [2022] SGHC(A) 6.

18 A disinherited surviving spouse can only claim for maintenance from the deceased's spouse's estate under s 3 of the Inheritance (Family Provision) Act 1966 (2020 Rev Ed).

19 See, eg, *ADP v ADQ* [2012] 2 SLR 143; *BPC v BPB* [2019] 1 SLR 608; and *BOI v BOJ* [2019] 2 SLR 114.

five decades. We should bear Prof Leong's apparently simple suggestion to be the guide in these and any other issues which may crop up in this area: "Each marital partner should leave the marital partnership with half or close to half of their material gains accumulated during the partnership".²⁰

7 *Marriage, Spouses and Assets* balances doctrinal rigour with practical guidance. While offering incisive critiques of doctrinal inconsistencies,²¹ Prof Leong provides pragmatic advice for practitioners navigating complex family disputes as well,²² making this book indispensable for both academic and professional audiences. Her scholarship exemplifies a rare combination of theoretical depth, doctrinal clarity, and normative vision.

8 *Marriage, Spouses and Assets* is an essential resource for lawyers, judges, and scholars engaged in the study and practice of family law. It informs, equips, and elevates practice while reaffirming the law's ultimate purpose: to restore relationships and promote well-being. We eagerly await the next volume in Prof Leong's series, addressing parents, children, and guardians, which promises to extend this discourse to the entire breath of family relationships and responsibilities.

20 Leong Wai Kum, *Marriage, Spouses and Assets* (Academy Publishing, 2025) at para 12.165. An example of being led astray by overly technical rules is whether Central Provident Fund monies used in the purchase of property should be refunded before or after dividing proceeds from the sale of the property. Despite the clarification from *CVC v CVB* [2023] SGHC(A) 28 at [106]–[107], there are still misunderstandings in practice: see, eg, *WXW v WXX* [2025] SGHC(A) 2 at [37]–[38].

21 See, eg, Leong Wai Kum, *Marriage, Spouses and Assets* (Academy Publishing, 2025) at paras 1.91, 8.99, 11.184, 11.248, 11.267 and 12.113.

22 See Leong Wai Kum, *Marriage, Spouses and Assets* (Academy Publishing, 2025) at paras 11.263–11.275 and 12.160–12.165.