The Effectiveness of Sulh on Matrimonial Asset Division after Death of Spouse

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ABSTRACT
Distribution of matrimonial assets to a deceased’s spouse is often fraught with difficulties taking a long time for settlement. This is due to the current provision relating to division of matrimonial asset based on the parties’ contribution to determine the appropriate proportion to the deceased’s spouse. Lack of evidence especially in proving the contribution of parties has caused difficulties for courts to reach a decision. This paper is aimed at examining the effectiveness of sulh with regards to the distribution of matrimonial asset upon the death of spouse. It uses qualitative method by collecting information from unreported cases within the period of 2000-2012 from six zones representing Syariah Courts in Malaysia. Analysis is made based on several variables such as types of matrimonial property, factors for consideration and proportion of distribution of assets. The findings show that sulh is an effective method to resolve issues relating to the contribution of parties in division of matrimonial asset due to death of a spouse. The findings also revealed that exclusive ownership of matrimonial assets, especially matrimonial home, by the deceased’s wife could provide adequate security and protection for her upon the death of her husband. Therefore, this study suggests the use of sulh as a mode of dividing matrimonial assets should be widely practised to prevent a costly and lengthy litigation process.

INTRODUCTION
Managing a dispute involving the division of matrimonial asset upon death of a spouse via a litigation process in the Malaysian
Syariah Court is common. Longer litigation procedures and complication in evidential process are problems faced by the courts in handling the case which can be prevented by the application of sulh or mutual agreement of parties; this encourages shorter litigation process and fair distribution of assets to the parties. Matrimonial property or matrimonial asset, commonly known as harta sepencarian is defined as a property jointly acquired either directly or indirectly by a husband and wife and its acquisition made by both parties during the course of their marriage (Islamic Family law Enactment (Selangor), 2003). Though there is no specific provision regulating the division of matrimonial property upon death of a spouse, previous case law indicates that the court invoked the law of division of matrimonial property as provided under section 122 of Islamic Family law Enactments/Act. The law provides several factors that the court must take into account in determining the division. The factors are direct or indirect contribution of parties in acquiring the asset, interest of minor children and debt of spouse in acquiring the asset. However, the provision relating to distribution of matrimonial assets in Malaysian Syariah Courts is not practical and do not complement the actual mode of division of assets which is solely based on the contribution of parties. The provision should focus on distributing the asset on a fair and equitable basis and address holistic needs of all parties involved. Thus, this study was conducted to fill in the gap. It was hoped that the findings could provide some suggestions on resolving issues related to the division of matrimonial property, especially on the effective method to be used in division of matrimonial asset upon death of spouse. Thus, this paper examines the effectiveness of current law through court practices and the use of sulh as an effective mechanism in dividing the assets to a deceased’s spouse.

LAW ON THE DIVISION OF MATRIMONIAL ASSET UPON DEATH OF SPOUSE

Many studies have examined the concept of harta sepencarian on its origin and interpretation as well as the impact of the principles of law in the practice of division of property. This implies that the custom of division of harta sepencarian among the Malays has a significant impact in the enactments of the law. Researchers examining originality of the customs of division of matrimonial asset in Malay society imply there was very few studies conducted on this topic. Norliah I (2004) examined the adequacy of legal statutory provisions related to division of matrimonial property under the civil law including the division of harta sepencarian. However her study did not touch on the adequacy of the implementation of the statutory provisions, specifically on division of harta sepencarian, by using content analysis on decided cases.

Though there is no specific provision regulating the law on division of matrimonial property upon death, the case
law highlights that this has been practised by the Malaysian Syariah court. The deceased husband or wife has rights to claim the asset and the practice has been recognised for years since independence. However, the law is settled as a gazetted fatwa of Selangor regulating that a matrimonial property to be given to an eligible party prior to the distribution of the deceased’s estate according to faraid rules. This indicates an improvement to the law in order to safeguard the interest of the deceased’s spouse and her or her children as regards to the matrimonial asset.

Section 122 of the enactments has extensive application when empowering the court to order the division of harta sepencarian upon the death of spouse. The above provision clearly indicates the court has the power to order the division of matrimonial assets acquired during marriage upon granting a pronouncement of talaq. The section particularly highlights two subsections: a) subsection (1) where the court orders the division between the parties of any assets acquired by them during their marriage by their joint efforts and b) subsection (3) where the courts order the division between the parties of any assets acquired during the marriage by the sole effort of one party to the marriage. For division of the first category the court shall incline towards equality of division. The division, however, is subject to certain factors which the court has to take into account such as the extent of the contribution made by each party in the form of money, property or work towards acquiring the assets. Additionally, any debts owing by either party which were contracted for their joint benefit will also be considered. The needs of minor children, if any, from the marriage will not be ignored as well.

As regards to the second category of assets or assets acquired by the sole effort of one party to the marriage, the court may divide the assets in proportion as it deems reasonable, subject to certain factors. In addition to the extent of contribution made by those who did not acquire the assets to the welfare of the family by looking after the home or caring the family, the court will also consider the needs of minor children from the marriage, if any. In any case, the party by whose effort was acquired the asset shall receive a greater proportion.

Section 122 of the Enactments describes the term assets as assets of joint and sole effort. The statutory and judicial definition of harta sepencarian have made clear on the concept of matrimonial assets which was founded on the basis of effort and contribution of parties during their marriage. In Ahmad Fikri Bin Mahmud v. Habibah Binti Muhamad (2007) the court refused to consider the disputed asset as harta sepencarian since the plaintiff failed to prove his contribution in acquisition of the assets. Thus, contributions remain the sole criteria to prove the existence of joint and sole effort of parties for entitlement of assets.

The contribution is a predominant criterion in differentiating assets into joint or sole effort asset. Homemaker’s
contribution to household chores is recognised as a factor to determine the share of sole effort asset that enables the homemaker to get her share out of the assets that she has not acquired. The law guides the court in determining the proportion of share by providing the specific quantum of half, 1/3 or greater proportion thus, implying that the law is not too rigid. The court has discretion in allocating the proportion of share either at half, 1/3 or 1/6 subject to the circumstances of a case. However, the courts are very much inclined to the contribution in the acquisition of asset as sole criteria in determining the proportion.

SULH AS AN AMICABLE SETTLEMENT IN DIVISION OF MATRIMONIAL ASSET

Elements of generosity and kindness appears when parties forgo each other’s rights wholly or partially of the asset in determining the proportion of share. This kind of settlement is normally achieved through the application of gift or sulh of parties. In the Malaysian Syariah Court, sulh methods has been implemented since 2002 when the court gives primary attention to dispute settlement instrument through conciliation. (Ali, 2008). The concept of dispute settlement inside or outside the court through sulh or mutual agreement is an essential method in dispute settlement involving ancillary claim.

The Sulh is described as the result or finding from a conciliation or mutual consent of disputed parties achieved through the mediation process (Ali, 2008). It (Sulh) is defined in Majallah al Ahkam al Adliyyah as an agreement which ends the dispute voluntarily and mutually pleasing each other and executed depending on the claim and application enunciated by the disputing parties. The Sulh is commonly used in dividing matrimonial property even in the normal litigation proceedings. The parties to any proceedings, at any stage, hold sulh to settle their dispute in accordance with such rules as may be prescribed or, in the absence of such rules, in accordance with Hukum Syarak (Selangor Syariah Court Civil Procedure, 2003).

Data obtained showed that each party agreed to accept the proportion, waive their rights and in some circumstances, agreed to transfer whole interest of the property to the other spouse or children as a gift. However, there was no literature available on the effectiveness of the law practised through the Syariah Court.

Philanthropy is defined as altruistic concern for human welfare and advancement, usually manifested via donations of money property, or offering work to needy persons, endowment to institutions of learning and hospitals, and by generosity to other socially useful purposes. It also identified as an activity of donating to such persons or purposes in this way and to devote one’s later years to philanthropy (Thesaurus, 2015).

It has been observed that sulh is a preferred method for settlement in the division of matrimonial property and other
ancillary matters such as mut’ah (Abd Ghani Abdullah v. Norhanita Abd Hamid; 10200-017-19-2001 (Selangor), arrears of maintenance and maintenance. In the case of Abd Ghani Abdullah v. Norhanita Abd Hamid; 10200-017-19-2001 (Selangor) for resolution pertaining to harta sepencarian and mut’ah, the court declared that two houses and a furnished matrimonial home valued at RM150,000 located in Kajang, Selangor to be transferred to the defendant. During the divorce proceedings, the court established that there was an agreement concluded related to matrimonial property and mut’ah; however, the agreement could not be recorded as the value of the asset exceeded RM100,000. The cases showed that the court was in favour of invoking sulh as an amicable settlement to guarantee fair division of harta sepencarian to both parties.

In the practice of sulh (Sulh Work Manual Jabatan Kehakiman Syariah Malaysia and Circular of Chief Judge MSS 1/2002, Sulh Work Manual, Pekeliling Ketua Hakim MSS 9/2002; Jabatan Kehakiman Syariah Malaysia Practice Direction 3/2002) a meeting involving the disputing parties and a sulh officer will be held within 21 days of the registration of case. The agreement is effective after it is endorsed and enforced by the court. Failure to reach an agreement will lead the case to be litigated in normal proceeding.

MATERIALS AND METHODS

Using data from 38 unreported cases, the paper attempts to examine methods of settlement used and the effectiveness of the law through examining the approach and practice of the court. Data showed the sulh is the most preferred method to settle disputes in division of matrimonial asset after death. Using provision related to law of division in Section 122 of the enactments, the paper will examine the law and other legal provisions governing the principles, application and interpretation of law in the division of matrimonial asset.

The statutory analysis will focus on significant developments in the codified law and improvements in the existing law as well as strengths and weaknesses for further improvement of the law. Case law analysis was conducted to depict the extension of the law for improvement of statutory provisions. This discussion is mainly confined to factors and variables that the court commonly applies when determining the share of property. Variables such as contribution, proportion determination and type of matrimonial assets will be examined.

The study adopted field work research by analysing case studies of unreported cases which are carefully selected from six Syariah Courts to represent all the states in Malaysia. The states are: Selangor which has a high population density and represents the Western Region, Penang with a high population density as well representing the northern region, Johor representing the Southern Region, Kelantan representing Eastern Region and Sarawak representing the population of East Malaysia. Cases from the state of Perak are also included as it has a similar law; however, the proportion of assets is equal in this state.
Data showed that in practice, the division of harta sepencarian upon death was made via sulh where the parties agreed on assets divisible as harta sepencarian and proportion entitled to the parties. In order to explain the practice of matrimonial asset division upon death of a spouse, elaboration and commentary of some unreported cases to understand the court’s approach in dividing asset as well as factors used to determine the division and whether any expansion on the law have been factored in.

RESULTS AND DISCUSSION

Result of data analysis on the practice of sulh in dividing the matrimonial asset is discussed as follows:

Division upon Death through Sulh Proceeding

The study explains that the litigation process of the claim in the division of assets upon death is shortened by spousal agreement during the lifetime of the parties. Proving the extent of contribution and involvement of many parties causes delay and prolongs court proceedings. The party involved in the claim varies from one case to another. For example, the litigation could be between children and wives of deceased, children of deceased and siblings of the deceased. Others involved the deceased’s sibling when the deceased has no children and some cases involved parents of the deceased and children and wives of the deceased (Aminah Binti Abdullah v. Noriah Bt Ahmad, Zulkifli Bin Daud and 19 others – 03100-017-0011-2003, Kelantan). The defendants were the deceased’s second wife and his children from his first and second wife and other divorced wives. There were cases where the parties involved were the children of deceased and a sibling of the deceased (Mek Yam Binti Mat Jusoh v. Mat Dohim Bin Seman and Mek Embong Bin Seman; 03100-017-0070-2003, Kelantan). In addition to the deceased’s spouse, heirs of the deceased are parties involved in the claim when the property of the deceased which was previously considered matrimonial property, are subject to distribution according to faraid i.e. rules pertaining to share allocation of deceased’s estate to deceased’s heirs as prescribed by Hukum Syarak.

Sulh appears to be a practical method and a form of amicable settlement for the division of a deceased’s estate. The agreement on proportion of share promotes a peaceful solution between the deceased’s spouse and heirs after both parties have been granted an agreed proportion as regards to matrimonial and inheritance property. Sulh has been considered effective in resolving issues of proving cases related to contribution in a litigation process.

In the case of Aminah Binti Abdullah v. Noriah Bt Ahmad, Zulkifli Bin Daud and 19 others in Kelantan (03100-017-11-2003), the court held that upon parties’ agreement, a land lot situated in Bachok, Kelantan be declared as harta sepencarian where half share of the land was granted to the plaintiff while the other half was to be
divided among the defendants according to the law of inheritance. The plaintiff claimed an equal share due to her direct and indirect contributions. Her contribution to the acquisition of the estate was made by assisting the deceased husband in a food business where she claimed that the deceased managed to acquire some assets from proceeds of the business.

The terms of settlement are also considered in determining equal shares to both the deceased’s wives. This was illustrated in the case of *Che Su Binti Hj Md Yusoff v. Fauziah Binti Mad Isa and anor* (08100-017-0165-2010, Perak) where the court held that based on an agreement by the parties, movable assets consisting of monies saved in several accounts and shares valued at RM463,000 and half share of land registered in the deceased name be pooled under the estate of the deceased. An agreement was achieved on Amanah Saham Bumiputra (ASB) shares valued at RM328,000 where RM100,000 was given to the deceased’s second wife, who was the step mother while the defendant’s mother was given RM100,000 as the administrator of the deceased’s first wife who died before the deceased’s death. The balance was divided according to the *faraid* principle among the deceased’s heirs. However, half of land and monies amounting to RM135,000 were divided according to *faraid*. Transfer of the whole asset comprising three lots of land situated at Alor Gajah and one fourth of Amanah Saham Nasional (ASN) shares amounting to RM89,000 given to the plaintiff as ordered by the court (*Timah Bt Dalip v. Abdul Malek B Md Aris and another*, 01100-017-0162-2007, Johor). As regards to lots of land in FELDA land Settlement where the acquisition was made through the joint effort of the husband and wife, as agreed, half portion was ordered by the court to be granted to the wife (*Asmah Bt Ali v. Siti Mariam Bt Ismail and anor*, 01100-017-0271-2005, Johor).

It was also observed that in several cases, one third of the matrimonial assets was allocated to the wife before execution of *faraid* to the deceased’s heir. This was illustrated in the case of *Yuslinda, Liza Suriani & Abd Rashid B. Mohamad v. Norsidah Dakin* (10200-017-04-2001 (Selangor) whereby the plaintiff, heir of deceased’s husband claimed all assets consisting of immovable property such as a house located in Klang, three land lots at Mukim Kapar, Selangor and a land lot at Telok, Selangor be regarded as deceased’s estate. The claim also included movable property consisting of savings in the account amounting to RM30,000 and EPF (Employee Provident Fund) amounting to RM2,000. However, the defendant, the deceased’s wife, disagreed with the claim and asked for the assets to be regarded as matrimonial property on the grounds that the assets were acquired during their marriage and the defendant-wife had made the financial contributions in the acquisition of the assets. The court held that the plaintiff and the defendant had agreed that the estate be distributed among the heirs. However, prior to
distribution, the court ordered 1/3 of share of matrimonial property to be awarded to the defendant.

It was observed that in the majority of cases the matrimonial assets were commonly fixed to half and one third share. For example, in the case of Faridah Binti Abdul Wahid v. Nor Azura Bt Zawani & anor (08100-017-0076-2009, Perak). The court held that a house and a land situated at Perak be declared as harta sepencarian and half share be given to the plaintiff i.e. deceased’s wife and the other half to be distributed among the heirs according to faraid. As regards a car, which was registered under the sole name of the plaintiff, the court ordered that the car be transferred to the plaintiff and in exchange the plaintiff was ordered to pay RM5,000 to be divided among the heirs. However, ASB shares amounting to RM8,000 was to be given to the plaintiff. In another case in Perak, in the case of Saayah Binti Hassan v. Non Bt. Ali (08700-017-0006-2008), the plaintiff was the ex-wife of the deceased who died in 2006. They were married in 1955 and later divorced in 1969. The defendant was the second wife of the deceased husband. The plaintiff claimed that during their marriage they had acquired two land lots situated at Matang, Perak and requested that these assets be declared as matrimonial property. The court allowed the plaintiff’s claim and by agreement of parties ordered that the lands be divided 1/6 to the plaintiff, 1/6 to the defendant and 1/6 to each of four other defendant’s sons and daughter with the deceased husband. Thus, it is clear from the foregoing that sulh is an amicable settlement in the division of assets upon death of a spouse.

**Matrimonial Home**

Matrimonial home is among the most frequent assets divided upon death of a spouse. The division of matrimonial home may vary in proportion and subject to the parties’ mutual agreement. However, the case is treated differently in the absence of the spouse due to death. The transfer of the matrimonial home to a deceased’s spouse was illustrated in Amienadzariza Jamali v. Abu Bakar Mohd Yusof (10200-017-0315-2005, Selangor) whereby the court ordered, by agreement of the defendants, to transfer a double-storey terrace house situated at Shah Alam to the plaintiff. The court also ordered to omit the sole name of the deceased in the title. The plaintiff agreed to bear the bank’s mortgage instalments and maintenance expenses of the house. In another case, the equal share of division of matrimonial home to the deceased’s wife was also ordered by the court. This was illustrated in the case of Syarikin Bt Ab.Rahman v. Awang B Redan & 4 anor (1220-17-17-2000, Selangor) where the court ordered a matrimonial home situated in Shah Alam owned by the deceased husband to be divided in equal share with the plaintiff and among the heirs of the deceased.

However, the determination of shares out of net proceeds of sale of a matrimonial home was also considered as part of the division. This was illustrated in the case of
Mariam Abu Bakar/ Ibrahim Abu Bakar v. Dato’ Zorkarnain B. Abd. Rahman (10200-017-38-2003, Selangor) where the court, based on the agreement of both parties, ordered that the defendant be entitled to two thirds share out of net value of the matrimonial assets consisting of a house, a land and three units of apartments amounting to RM810,000. Therefore, RM220,000 earned by the deceased after deducting RM50,000 received as the proceeds of sales of the apartments was the deceased’s share which was subject to *faraid* rule. The court ordered the value paid in cash and distributed based on *faraid* to legal heirs of the deceased.

It is observed that greater share is allocated to a deceased’s spouse after the court takes into account the debt of the assets. This was explained in the case of Md Isa Jamaluddin B. Jamaluddin v. Abd Wahab B. Awang & Anor (10200-017-179-2005, Perak) where the court held that the plaintiff was entitled to 70% of the current value after deducting what is owed to the bank on a housing loan (for a house in Cheras) and the balance (30%) was to be distributed among the heirs. However, 90% of the value of a house situated at Pasir Gudang, Johor Bahru (after deducting the loan balance) was to be given to the plaintiff and the rest (10%) of the share was to be distributed among the heirs. The defendants agreed to award greater share to the plaintiff due to his immense liability and greater contribution to the instalment of both houses.

Upon the death of a spouse, a matrimonial home which is originally *harta sepencarian* is subject to division under the *faraid* rule. Nevertheless, sharing of the matrimonial home with the deceased children might cause inconvenience to the wife. At the same time, acquiring new property causes hardship especially to a non-working wife due to escalating property prices. Joint tenancy of matrimonial home is a practical solution to overcome the issue.

Consideration on the Usage of Asset

The division of property also took into consideration the continuation of usage of assets by the deceased’s family. This was explained in the case of Faridah Binti Abdul Wahid v. Nor Azura Bt Zawani & anor (08100-017-0076-2009, Perak) where the court ordered the interests of a car loan to be transferred to the plaintiff, the defendants’ mother. This shows that the division may not be necessarily in the form of determining a specific share. For a just and fair division, the transfer of vehicle took place after taking into account the need of the parties to use the asset as a means of transportation even after the death of the deceased’s spouse.

Deceased Debt

For settlement of the deceased’s debt, in practice, the debt would be deducted specifically from the share of the heirs after the division of matrimonial property had been made. This was illustrated in the
case of Che Zawiyah Bt Che Din v. Zakiah Binti Che Din (08100-017-85-2001, Perak) where the court held that the deceased’s share of 50% of total value of matrimonial asset which amounted to RM250,000 be distributed to the deceased’s heirs after deducting all debts incurred by the deceased and the net value of the asset would be distributed according to faraid.

**Movable Asset**

Movable assets such as shares, business assets and saving monies are included in the division of matrimonial property (Su Binti Hj Md Yusoff v. Fauziah Binti Mad Isa and anor, 08100-017-01165-2010, Perak). This was illustrated in Che Zawiyah Bt Che Din v. Zakiah Binti Che Din (08100-017-85-2001, Perak) where the court ordered that movable assets consisting of ASB shares and savings accounts of the deceased husband amounting to RM235,000 be declared as harta sepencarian and the amount was ordered to be divided equally between the plaintiff and the deceased’s wife as they have been married for 65 years. However, in the case of Absah Saidin v. Mohd Omar Mokhtar B. Sabri (10200-017-0142-2008, Selangor) the assets of Term Loan (ASB) amounting to RM62,000, saving and insurance in Bank Rakyat amounting to RM9,350, ASB savings amounting to RM16,900, EPF amounting to RM5,000 were decided as faraid to be divided among the deceased’s heirs. Assets in term of death and accident insurance payment benefit amounting to RM50,400, EPF amounting to RM58,000, a salary balance of RM27,522.08 were included in the division of matrimonial assets.

**Employee Provident Fund**

As regards the EPF, the court approved the asset as matrimonial property upon the consent of the affected parties. This is a significant development in the Syariah Court as the general law excludes EPF as matrimonial assets. This was illustrated in the case of Amienadzariza Jamali v. Abu Bakar Mohd Yusof (10200-017-0315-2005, Selangor) where the court ordered RM100,000 to be awarded to the defendant, deceased’s parents, as a settlement against insurance money, EPF and emolument of the deceased having gaining consent of the plaintiff. In contrast, the defendant agreed that the balance of insurance money, emolument and EPF monies to be awarded to the plaintiff and the two children. Similarly, in Syarikin Bt. Ab. Rahman v. Awang B. Redan & anor (1220-017-17-2000, Johor) the court ordered EPF monies solely funded by the deceased husband valued at RM66,357.59 to be regarded as harta sepencarian and the court awarded the plaintiff half of the share of the fund. A similar verdict prevailed in the case of Yuslinda, Liza Suriani & Abd.Rashid B. Mohamad v. Norsidah Dakin (10200-017-04-2001, Selangor) where the court ordered 1/3 share of EPF monies amounting to RM2000 to be awarded to the defendant. Thus, from the study, it is clear the court may declare EPF savings as matrimonial property.
and divide the asset between the deceased spouse based on *sulh* and agreement of parties.

**Factors Taken into Consideration**

The study also observed that the agreed proportion is determined by the extent of the parties’ contribution either directly or indirectly. This was illustrated in the case of *Mariam Abu Bakar/ Ibrahim Abu Bakar v. Dato’ Zorkarnain B. Abd. Rahman* (10200-017-38-03, Selangor) where the court awarded the plaintiff 1/3 of the share as her entitlement for taking care of the family. In this case, a bigger share was awarded to the defendant who had made greater contributions. This shows that the agreed proportion determined through *sulh* may be based on the extent of the contribution of parties made during the acquisition of assets.

Thus, the above discussion signifies that in the division of matrimonial assets upon death, resolution by agreement of parties is substantial and significant to determine the division of matrimonial assets. The parties may agree to the division either on the basis of the parties’ extent of direct or indirect contribution or mainly based on the welfare of parties or the children’s interest. Pertaining to proportion of share of matrimonial property, it has been observed that by procedure of *sulh*, the parties may transfer a greater portion, despite the fixed rule of one third or half shares. In other words, the parties have a wider discretion to determine the proportion based on the needs of the deceased’s spouse, amount of contribution and others. As regards to matrimonial assets included in the division, the study highlighted that the court has expanded the types of matrimonial assets to include tangible and intangible assets owned by the deceased.

**CONCLUSION**

The spousal agreement, or *Sulh*, is a mutual agreement which does not require the contribution of the parties to be established in ascertaining the proportion of the matrimonial asset. This mode has been accepted in the practice of division of matrimonial assets upon the death of a spouse. It has been observed that in the Malaysian Syariah Court, *sulh* is a potential mode of an amicable settlement which is a strong mechanism to be used in the division of the matrimonial assets. This is due to the difficulty faced by the Syariah Court in determining the proportion by using the current mode of assessment that focuses more on the contribution of parties to quantify the proportions. Additionally, because of the nature of *sulh*, the proportion based on the spousal agreement promotes fair division among the parties and additionally shorten the process of application to *harta sepencarian*. The parties are generous as to allow exclusive ownership of matrimonial assets especially matrimonial home to the deceased’s wife that could provide adequate security and protection for her after the death of her husband. Thus, it is suggested that the use of *sulh* as a mode of dividing the matrimonial asset be extended widely to
the division of property upon the death of a spouse. Hence, there is a need for a proper mechanism to uphold the process of *sulh* and facilitating the process via a proper checklist. This will ease the burden of the Syariah Court officers and equip them with proper knowledge related to the *sulh* process and the execution of *sulh*.

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