

FAMILY LAW IN MALAYSIA AND SINGAPORE. By AHMAD IBRAHIM.
[Singapore: Malayan Law Journal. 1978. xvi+313 pp.]

More than most branches of law, Family Law is both a major influence of the daily ordering of lives, as well as being heavily influenced by such ordering. It is, after all, Family Law which addresses itself to the common needs to regularise an arrangement seeking companionship or its disintegration, to have offspring, and to meet the minimum economic needs of dependents within each family unit. It is of no surprise then that some countries have as many family laws as they do racial or religious groups until, that is, such time as the situation is deliberately changed by the legislature. Malaysia and Singapore are two countries in point: Malaysia still with the plurality of laws at the time of the publication of the book; Singapore having unified much of her family law in the early 1960s.

Professor Ibrahim's book is a compendium of all of the systems of family law which exist in the two countries. It describes the requirements of marriage and its termination, the legal regulation of guardianship and maintenance of children, the status of women married and unmarried and rights of inheritance under each of these systems which may for convenience be grouped into the statutory (Civil Marriage and Christian Marriage Ordinances of the Federation of Malaya, Church and Civil Marriage Ordinance of Sarawak, Christian Marriage and Marriage Ordinances of Sabah, and Women's Charter of Singapore), the customary (Chinese and Hindu), the native (Sea Dayak, Orang Ulu, Dusun, *etc.*) and the Muslim. Any student or researcher who is taking his first step into this maze will do well

to start with this book before attempting the primary sources of the laws. Professor Ibrahim has brought to bear the clarity of thought that comes from having been closely involved in the development of the family law of Singapore in the early 1960s, and in the teaching of the family law of Malaysia since the 1970s, in his summary of these laws.

There is however no doubt that this small book covering all these topics in all these laws can be no more than "an outline" which Professor Ibrahim readily admits. But as the book was intended "for the use of students of family law" it must be said that the student could have hoped for more than is accomplished in the book. The rules of law and decisions of courts that are described have not been commented upon from the points of view of their underlying reasons, their merit or demerit and their effect on the people the laws serve. Professor Ibrahim has also not devoted any part of the book to studying the interpersonal conflicts that have arisen or could arise because of the co-existence of all these marriage systems. For instance a Chinese man who had married under the Christian Marriage Enactment has been held to be capable of marrying a second woman under Chinese custom. Further, problems abound when a non-Muslim married person adopts Islam: can he marry again? what is the status of his wife? *etc.* It seems to the reviewer that it is not sufficient to describe those which have arisen before the courts in the Introduction to the text and that study should have been made of all potential conflicts in the text. Professor Ibrahim has included the Malaysian Law Reform (Marriage and Divorce) Act 1976 which though passed by Parliament has not yet been brought into force at the time of publication. The Act adopts essentially the statutory marriage system to be the only one available for all non-Muslims, just as Singapore had done in 1961 when the Women's Charter was passed. A student would have wanted discussion of the reasons for and the wisdom of the choice of this system, rooted as it is in the Christian conception of marriage and its obligations, as the marriage system in a country where there is no evidence that Christians constitute an overwhelming majority among the non-Muslims.

It is the first book on the whole of family law in either Malaysia or Singapore. It is from such a foundation that depth and analysis can subsequently be developed.