

Glossary of Basic Legal Terms

1. Parties in Court

Terms	Explanation
Plaintiff	The party commencing a divorce application
Defendant	The party responding to a divorce application
Senior President / President	Judge in the Syariah Court who presides over the hearing of a divorce application
Registrar	Judge in the Syariah Court who presides over pre-trial conferences (PTCs) or hearings of interim matters (<i>e.g.: Hearing for Substituted Service</i>)
Mediator	A trained Court mediator who facilitates a mediation session to attempt an amicable resolution of issues
Hakam	A trained Court marital conciliator who facilitates a hakam session to attempt a reconciliation between parties

2. Court Documents

Terms	Definitions
MCP Certificate	Certificate issued to a party who has completed the mandatory marriage counselling programme before starting a divorce application
Originating Summons (OS)	Document to start a divorce application in Syariah Court – must be served on the Defendant within 1 year
Case Statement (CS)	Plaintiff's document containing the Plaintiff's details, grounds for divorce and claims on ancillary matters eg financial issues or children issues
Memorandum of Defence (MOD)	Defendant's document in response to the Case Statement containing the Defendant's details, the response to the Plaintiff's grounds for divorce and claims on ancillary matters (above), and the Defendant's own grounds and claims
Proposed Parenting Plan	Parties have to submit a Parenting Plan (along with CS/MOD) which contains their proposal for arrangement of children after the divorce
Proposed Matrimonial Property Plan	Parties have to submit a Matrimonial Property Plan (along with CS/MOD) which contains their proposal for the division of the matrimonial home after the divorce
Affidavit of Evidence in Chief (AEIC)	Written statement, affirmed by a Commissioner for Oaths, which supports a party's case in his document (CS or MOD) containing all the evidence and documents that the party

	relies on for the case (<i>e.g.: payslips, CPF statements, other documentary proof</i>)
Affidavit in Reply (AIR)	Written statement, affirmed by a Commissioner for Oaths, in reply to the other party's AEIC containing all the evidence and documents that the party relies on for the reply

3. Grounds for Divorce

Terms	Explanation
Talak	Divorce based on the pronouncement of divorce by a husband
Taklik	<p>Divorce based on the husband's breach of a marriage condition. For Singapore-registered Muslim marriages, the conditions are stated at the back of the ROMM-issued marriage certificate:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p style="text-align: center;"><i>Special Conditions</i></p> <p>On every occasion that I _____</p> <p>(1) Leave my wife _____ for a continuous period of four months or more, intentionally or unintentionally, or</p> <p>(2) Fail to maintain her for the said period, whereas she is obedient to me, or</p> <p>(3) Commit any action that causes injury to her body or damage to her property or causes her to lose self-respect, and my wife complains to the Shariah Court and if her complaint is proved, then she is divorced by one talak.</p> </div>
Fasakh	<p>Divorce based on one or more of the following grounds:</p> <ol style="list-style-type: none"> a. Husband's neglect or failure to pay maintenance for 3 months b. Husband being sentenced to a final imprisonment term of 3 years or more c. Husband's failure to perform, without reasonable cause, his marital obligations for a period of one year d. Husband's continuing impotence from the time of the marriage e. Husband's insanity or chronic disease the cure of which would be lengthy or impossible and which is such as to make the continuance of the marriage relationship injurious to the wife; f. Husband's cruel treatment, that is to say, he — <ol style="list-style-type: none"> i. habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment; ii. associates with women of ill repute or leads an infamous life; iii. attempts to force her to lead an immoral life; iv. obstructs her in the observance of her religious profession or practice; v. lives and cohabits with another woman who is not his wife; or vi. he has more wives than one, does not treat her equitably in accordance with the requirements of the Muslim law; or g. Any other ground recognised as valid for the dissolution of marriage by fasakh.

Khuluk	Divorce based on a wife's redemption of the marriage contract.
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4. Claims - Financial issues

Terms	Explanation
Nafkah Iddah	Maintenance for a divorced wife by her husband for the period of iddah (approximately 3 months)
Mutaah	A consolatory gift paid by a husband to his divorced wife upon divorce for the wife's contribution to the marriage (usually counted by the number of days from the date of marriage to the date of divorce)
Emas Kahwin	Obligatory marriage-payment by a husband to his wife upon solemnisation
Hantaran Belanja	Customary payment for marriage expenses paid by the husband to the wife
Matrimonial Assets	Assets acquired by one or both parties during marriage, but may include certain other assets acquired before marriage

5. Claims - Children issues

Terms	Explanation
Custody	Custody is about making major decisions for the child, namely, education, health and the child's religion
Care and control	The child lives with the parent who has care and control
Split care and control	Where both parents have care and control of different children of the marriage (e.g.: <i>1st child lives with the husband and 2nd child lives with the wife</i>)
Shared care and control	Where both parents have almost equal times spent with children (e.g.: <i>Children live with the husband from Sunday to Wednesday (AM), then with the wife from Wednesday (PM) to Saturday</i>)
Access	Access means the time which the parent who does not have care and control of the children spends with them