



MUSLIM WOMEN HAVE THE RIGHT TO SUBSTANTIVE AND PROPRIETAL EQUALITY IN ISLAM

AL JAMA-AH'S 2019 MANIFESTO ELECTION PROMISE

With the 2019 National Elections, Al Jama-ah's Manifesto Election Promise to the Muslim community was that the party would submit a Private Members Bill (PMB) for the recognition of Muslim marriages (Nikah). The party's Member of Parliament Hon Ganief Hendricks introduced a new bill and made amendments to three existing Acts of Parliament in line with the party's Manifesto Election Promise.

Thus, Hon Hendricks the party's leader, was elected by Muslims to Parliament to carry out this Election Promise.

AL JAMA-AH rejects the Marriage Act 2022 and the Amendments to the Divorce Act 2023 issued by cabinet for comments. It does not meet the order of the Concourt and remains unconstitutional.

ITS LEGAL STANDING RESULTS IN THE FOLLOWING BENEFITS

- A Muslim, married in accordance with Shari'ah, being able to approach any Home Affairs Office with his/her valid nikah certificate and identity documents to apply for a South African Marriage Certificate.
- A valid South African Marriage Certificate being issued and thus providing Muslim couples with the necessary socio-legal standing; for example: should the husband/wife work abroad, then the spouse will be allowed to relocate with the support of a valid certificate.
- A spouse's 'death certificate' will no longer reflect 'never married' on it.
- A registration process follows in the case of a couple having concluded their marriage in terms of Shari'ah; thereafter, the parties can register their marriage as outside-of-community of property with out the operation of the accrual system.
- A marriage dispute will have recourse to the legal system to reach amicable/agreeable solutions; and
- A spouse being able to claim for maintenance of a child/the children via the Maintenance Court.

Visit Al Jama-ah website for more information www.aljama.co.za
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