

Data Integration in Malaysian Syariah Courts: A Study of Challenges and Solutions

Farah Safura Muhammad*, Nur Ain Nazifa Zawawi

Academy of Contemporary Islamic Studies, UiTM Cawangan Terengganu, Kampus Dungun, 23000, Dungun, Terengganu

*Corresponding Author

DOI: <https://dx.doi.org/10.47772/IJRISS.2025.910000081>

Received: 28 September 2025; Accepted: 03 October 2025; Published: 04 November 2025

ABSTRACT

The lack of data integration between the Syariah Court and other departments in Malaysia is one of the challenges in the administration of Islamic families in the Syariah Court, Malaysia. The credibility of Malaysia's Islamic judicial institutions will erode if this predicament remains. The Malaysian Syariah Justice Department (JKSM), the Malaysian Islamic Development Department (JAKIM), the Royal Malaysian Police (PDRM), and Bank Negara are among the various organizations involved in the cases in the Malaysian Syariah Court. Therefore, this study aims to identify the improvement of the data system in the management of Muslim families in the Malaysian Syariah Court. This study interviewed three respondents consisting of 1 JKSM Officer (Respondent 2), and 2 academics (Respondent 1&3). Interview data has been processed using thematic analysis using Nvivo. The results of the study show that there are four themes which is Claims still being done manually in courts, Different jurisdictions in between states, The lack of integration between Syariah Court and other institutions and the lack of information in system e-Syariah and e-Nafkah. From the theme, it is important to empower the data system in the Syariah Court to be more advanced and organized to facilitate the affairs of all parties. This improvement is important because it is significant with the development of Malaysia Madani initiated by the Prime Minister of Malaysia, where emphasis is placed on the development of socially prosperous Malaysian families and communities. In addition, this improvement is important to be an example for family management in other countries.

Keywords: Syariah Court, Islamic Family Law, Malaysian Court, Data Development.

INTRODUCTION

Technology has been seen as a potential facilitator to improve the efficiency of the justice system, particularly in terms of improving justice sector efficiency. The Department of Syariah Judiciary Malaysia needs transformation in the face of Industrial Revolution 4.0 to provide the best service to the community. Director of the Terengganu Syariah Prosecution Department, Wan Abdul Malik Wan Sidek, said that compared to civil court institutions, Syariah Court is far behind with most of the technological facilities they own being over 10 years old (Kosmo, 2021). The Civil Court already has a system that allows case registration and payment to be done online. Meanwhile, the Syariah Court still has to do it manually at the counter. Declarations (proceedings) in Syariah Court also need to be recorded by hand, while Civil Court already uses the audio-visual system, which is the court recording system. Furthermore, Syariah Judicial Institutions need a transformation in the face of the Industrial Revolution 4.0 to help Syariah Officers and provide the best service to the community. These constraints create difficulties for inter-state coordination and indirectly many syariah cases are pending and resolved late, especially during the spread of the Covid-19 pandemic. The chairman of the Terengganu Sharia Officers Association said that the delay in resolving the case not only caused the syariah judicial institution to be seen as inefficient and effective but it was feared that it could affect the individuals involved due to the delay in getting justice (Kosmo, 2021). The lack of data integration between the Syariah Court and other departments in Malaysia is one of the challenges in the administration of Islamic families in the Syariah Court, Malaysia. The credibility of Malaysia's Islamic judicial institutions will erode if this predicament remains. The Malaysian

Syariah Justice Department (JKSM), the Malaysian Islamic Development Department (JAKIM), the Royal Malaysian Police (PDRM), and Bank Negara are among the various organizations involved in the cases in the Malaysian Syariah Court. Therefore, this study aims to identify the improvement of the data system in the management of Muslim families in the Malaysian Syariah Court.

e-Syariah System in Syariah Court

e-Syariah is a maintenance management system that facilitates more efficient maintenance management. The efforts of the Department of Syariah Judiciary Malaysia (JKSM) in creating this system have a positive impact on the resolution of syariah cases. However, e-Syariah system is still in progress and trial for all departments in Malaysia to be fully used in every states. Furthermore, e-Syariah can only be accessed through the Syariah Court office. This means that if any staff wants to use this system outside the Syariah Court office area, it is not allowed and cannot be accessed (Zulzaidi Mahmud & Ahmad Hidayat Buang, 2021). This system is the seventh Electronic Government project under the application Multimedia Super Corridor (MSC). This system got the First Prize for Technology Quality Award Information and Communication (AKICT) in 2007 (Norlida Ramly et al., 2015). e-Syariah is an integrated case management system that integrates all the processes involved in the handling of cases in the Syariah Court. Through this system, coordination and sharing of internal information is carried out systematically as this system creates an electronic network that connects the state Syariah Court with JKSM as well as agencies related to the operation or administrative journey of Syariah Court in Malaysia (Ramizah & Khairunnasriah, 2019). The e-Syariah system also created another system which are Syariah Court Case Management System, e-Syariah Portal, e-Nafkah, e-Bicara, e-Faraid, Office Automation System, Library Management System and Syarie lawyer Registration System. Hence, this system has received the Best Electronic Government Portal Award in the study "Benchmarking and Comparative Study of Malaysia Government Portal and Website 2005" (Ramizah & Khairunnasriah, 2019). The e-Syariah application continues to be improved from e-Syariah version 1 to e-Syariah version 2 (Wan Satirah & Abrar Haider, 2012).

e-Nafkah System in Syariah Court

Since the e-Syariah system is used for case management by all Syariah Court in Malaysia, there haven't been significant modifications in the development of the technological system in the Syariah Court. Besides that, to support the e-Syariah system, e-Nafkah system has also been developed (Ramizah & Khairunnasriah, 2019). e-Nafkah system is used by Family Support Division (BSK) which is the purpose of the establishment of the Family Support Division (BSK) was to help wives and children on the issue of child support, *iddah* support and spousal support that was not implemented by the ex-husband after a court order (Nur Zulfah & Nur Syazwani, 2020). e-Nafkah system was developed as a virtual file that acts in a dual function and only the decision of courts order will be uploaded in this system (Portal My Government, 2020). However, to make an application for alimony arrears, the parties need to go to Family Support Division Department (BSK) manually (Zulzaidi Mahmud & Ahmad Hidayat Buang, 2021). This shows that the system in Syariah Court is still in deprecated.

Family Support System in Another Country

Furthermore, foreign family systems, such as those in New Zealand, Australia, and Singapore are regarded as more effective and proactive. Australia has Child Support, which serves as a family support system by figuring out the ex-husband's yearly income or assets and then directing the alimony payment. Plus, father will be prohibited from traveling overseas until the outstanding alimony bill is settled and a fine has been paid (Muhamad Helmi, Najibah, Nora & Noraini, 2021). Meanwhile in Thailand, although there are some civil laws that could be applied generally to Muslims as well, the Islamic Family Law is only intended for Muslims living in the four districts of Patani, Narathiwat, Yala, and Satul in Southern Thailand. This is especially true if the defendants and the plaintiff are not residents of these districts by The Islamic Family Law of the Southern of Thailand 1946 (Rohanee Machae, Abdul Basir & Mutsalim Khareng, 2015). The issue of establishing a requirement state that Datok Qadi must make all decisions about Islamic law alone. The court's decision of Datok Qadi is final and cannot be disputed. The issue of restricting Islamic law application may be addressed through legal proceedings. By expanding the enforcement of family and inheritance law outside of the judicial system, the issue of avoiding legal inconsistency can be resolved (Mada O Puteh & Jehwae, 2022). These scenarios

demonstrate the importance and necessity of this research. The purpose of this research is to identify the improvement of the data system in the management of Muslim families in the Malaysian Syariah Court.

METHODOLOGY

This study used a qualitative research design and gathered information from three experts which are 1 of the Director of Information and Communication Technology Division of The Department of Syariah Judiciary Malaysia (JKSM) and 2 expert from academic areas were interviewed in depth using a set of carefully selected questions that correlated with the objective of the research. The data collection from the three respondents were then transcribed and analyzed thematically using NVivo version 10 software.

Three methodologies were used in the qualitative data analysis: word-based analysis, code-based analysis, and content analysis. NVivo software aided investigators in storing and encoding data, developing a classification system, enumerating, searching for relationships, and making visualizations. The interviews with these three experts, of which all respondents are also JKSM and academic reference experts, are expected to help achieve the research's goal of identifying the improvement of the data system in the management of Muslim families in the Malaysian Syariah Court.

The obtained data was transcribed verbatim, and the transcripts checked for accuracy several times. According to Braun and Clarke (2006), the thematic analysis consists of six interconnected phases, which are analyzing the data, determining the initial code, finding the theme, researching the theme, giving the theme a name and lastly, creating reports. Furthermore, the purpose of this research is to complete the requirement analysis phase for the FRGS study.

FINDING AND RESULTS

This research objective, to identify the improvement of the data system in the management of Muslim families in the Malaysian Syariah Court. Table 1 shows the outcomes of the interview and clearly demonstrates that the data system in Syariah Court should be more proactive.

Table 1: The data system in Syariah Court should be more proactive

Theme	Advantages	Quotation
Claims still being done manually in courts	The court must update the application system to expedite the claims process	- Online application is only an initiative of their respective states, for example in Kelantan, filing is still done manually. (Respondent 1) - e-Syariah version 3 there will be e-Filing and e-Review as well as online payment to facilitate public file their cases in their respective places without attending court and documents can be entered online (Respondent 2) -The procedure nowadays is very complicated and a lot of documentation is required. (Respondent 3)
Different jurisdictions in between states	Data system in each states should to collaborate with another to expedite claims	- The purpose of the court system is to establish the database of the case. However, when the state comes out of the original system and creates its own system then it will be complicated to the system and will give problems to mothers and wives. (Respondent 2) - Sarawak has other systems such as e-Perintah and e-Sulh. But in Kelantan there is no another system was contributed and only use the system that provided by JKSM (Respondent 1)

		- Application of the system depends upon the specific state. (Respondent 3) - There are several cases where enforcement, sale and seizure are used in Selangor. However, enforcement, sale and seizure are used quite frequently in Kelantan. Kelantan is very active in applying for sale and seizure. For example, when an ex-husband has a gold shop, the shop will be closed for sale and seizure. (Respondent 3)
The lack of integration between Syariah Court and other institutions	Integration with other constitution is very important to expedite claims cases and tracks the husbands especially in alimony cases	- Integration with the bank is ongoing and a special integration for online payment using the FPX platform. Meanwhile, integration with the police will follow. (Respondent 2) - Regarding the court's current collaboration with the bank or other departments, there is no direct cooperation only if the detention of civil servants' salaries is all received. (Respondent 1) - The court has no cooperation with other departments but only in relation to the deduction of salaries with the salary unit Department with the government department as well, through the treasury department (Respondent 1) - The court should have cooperation with other departmental units such as the Islamic Religious Department Unit because the role of <i>tok penghulu</i>, <i>tok imam</i> in the village is very helpful for family cases. (Respondent 3)
The lack of information and public access in system e-Syariah and e-Nafkah	Information in the court system should be more advance and upgrade to public	- Before creating any system, it is necessary to carefully and get views from several agencies to make the data accessible to the public. (Respondent 2) -e-Nafkah cannot be accessed completely only certain people can access. similarly, only certain officers can access (Respondent 1) - Research overseas using other methods, such as the method of sale and seizure in Spain, gives them a system of information about the property of the defendant. (Respondent 2)

DISCUSSION

According to the data through the theme “Claims Still Being Done Manually in Courts”, the researcher believes that the court must update an application system to expedite the claims process. This theme was agreed by the respondent that there are too many procedures that should be followed and the online application is only an initiative of their respective states. This theme also has been discussed by Zulzaidi Mahmod and Ahmad Hidayat (2022) which stated that the system in Syariah Court is more expanding and positively used in Syariah Court. Nonetheless, Malaysia's Syariah Court system has made fewer strides in electronic technology development than civil judicial institutions. Besides, the Malaysian Civil Court has implemented the "e-Court" system and it has had a favorable influence on judicial delivery, despite numerous upgrades in the implementation of e-Court. specifically, Civil Court have a special system in e-Courts which are e-Filing System (EFS), Case Management System (CMS), Queue Management System (QMS), Court Recording and Transcribing (CRT), Artificial Intelligence (AI), Community and Advocate Portal System (CAP) and Video Conferencing System (VCS) (Nurul Aiqa etl., 2018). Hence, the researcher believe that Syariah Court has a potential to update the system to be more efficient.

Besides, another theme which is from the respondent is “Different Jurisdictions in Between States”. From the theme, the data system in each state should collaborate with another to expedite claims. The respondent agreed that the application of the system depends upon the specific state such as Sarawak. Sarawak has other systems like e-Perintah and e-Sulh instead in Kelantan there is no other system that was contributed and only uses the system that was provided by Department of Syariah Judiciary Malaysia (JKSM). The different legislation between the states give a negative effect on syariah management (Fatin Nabilah & Siti Arni, 2021). Sarawak has another system called i-Syariah (Syariah Intelligent Management System) that replace e-Syariah which has several justifications for the provision of comprehensive statistical data to the state government. This system also has similarities with the civil court system in terms of Que Management System (QMS), Court Recording and Transcription (CRT), System Video Conferencing System (VCS) and e-Filing (Zulzaidi Mahmod & Ahmad Hidayat, 2021). The data system used in Sarawak is seen as a good jurisdiction and good example to other states.

Another finding from this research is “The Lack of Integration Between Syariah Court and Other Institutions”. Based on the findings, this research suggests an integration with other constitutions with PDRM and Bank. This integration is very important to expedite claims cases and track the husbands especially in alimony cases. From the respondent, there is no direct cooperation between Syariah Court and other institutions. The collaboration only involves the deduction of salaries with the salary unit Department with the government department as well, through the treasury department. Another respondent also agreed that the court should have cooperation with other departmental units such as the Islamic Religious Department Unit because the role of *tok penghulu*, *tok imam* in the village is very helpful for family cases. The family initiative implemented by the EPF is a good effort to strengthen the finances in the family institution to reduce the neglect of maintenance. Therefore, there are various other ways permitted by EPF laws and regulations for contributors to withdraw their savings (Mohd Norhusairi & Muhammad Farid, 2023). Furthermore, according to the Hazwan (2022) There are three issues that cause the arrest of husbands who pay alimony to be delayed through the cooperation of the police. First, police do not take this problem seriously even though an arrest warrant has been issued by the court, second, the police are confused with court procedures after arrest and lastly the boundaries of the arrest area that cannot exceed the area of their respective districts. Besides that, Syariah Court needs to take action to develop the integration with other institutions to make sure the claim of family matters go smoothly.

Last theme from this research is “The Lack of Information and Public Access in System e-Syariah and e-Nafkah”. This theme was agreed by the respondent that e-Nafkah and e-Syariah cannot be accessed completely only certain people can access and only certain officers can access. The implementation of this system is necessary to keep the data and to enable general access, a meeting of the competent authorities is necessary. e-Syariah is a catalyst for collaboration between federal agencies and state agencies to coordinate work processes, forms, workflows used in Syariah Court (Norlida Ramly et al., 2015). The terms of public access have a different meaning to different people. Generally public access refers to a wider social context of the court system and reducing the systemic barriers faced by different members of the community (Zuhairah & Rabiatul Adawiyah, 2019). e-Syariah is developed to protect the interests of all parties who have filed a claim in the Syariah Court. However, the researchers believe if e-Syariah becomes accessible fully access to the public, it will be of great benefit to society.

CONCLUSIONS

Based on the data system discussed, the researcher believes that a data system in Syariah Court for Malaysian Muslim family cases is required and be more proactive. The JKSM managed data system in Syariah Court is a medium that needs to be more efficient because the function of Syariah Court should not only be capable of maintaining cases and case schedules, but also be able to become a data collection centre for cases especially in alimony involving Malaysian Muslim families. Plus, Syariah Court can be more advanced and smooth with a system and judgment process applied through Artificial Intelligence (AI) according to the existing system nowadays. Artificial Intelligence (AI) also be useful in different ways to meet different requirements in Syariah Court. This improvement is important because it is significant with the development of Malaysia Madani initiated by the Prime Minister of Malaysia, where emphasis is placed on the development of socially prosperous Malaysian families and communities. In addition, this improvement is important to be an example for family management in other countries.

ACKNOWLEDGEMENT

This research was funded under the Fundamental Research Grant Scheme FRGS/1/2022/SS10/UITM/02/71 titled Kerangka Pengurusan Data Kes Kekeluargaan Islam Melalui Sistem E-Syariah from the Ministry of Higher Education Malaysia. The authors would like to thank all respondents for the support given to the research.

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