

## **MARRIAGE (Syariah Law)**

The administration of marriage for the Muslims is handled by the respective Religious Affairs Department under the State Governments, the Penang state is governed by the Enactment of the Islamic Family Laws (Pulau Pinang) 1985. Marriages in Islam is guided by the Syariah Laws.

### **Requirements for Marriage**

1. The man and woman must be at least 18 years old;
2. There must be full consent and acceptance from both male and female to the marriage;
3. Males and females who are above 18 but below 21 years of age must obtain consent from their parents; and
4. Females who are above 16 years but below 18 years must get special permission in writing from the Syariah judge.
5. There must be 2 witnesses to the marriage;
6. There must be a marriage gift given by the male to the female.

### **Prohibited Relationship**

Marriages between certain prohibited close family relationships, including grandparents, parents, children, grandchildren and siblings, etc are prohibited.

### **Procedures for Marriage**

1. Obtain the marriage application forms from the District Religious office
2. The marriage application form must be certified by two officials from the mosque together with the official stamp for confirmation of the applicants status.
3. The application form together with your relevant documents must be signed and stamped by the Assistant Registrar marriages of the respective zones.
4. The signed and stamped application form together with a fee of RM5.00 must be then submitted to the District Religious office in order to register for a marriage permit. (Application forms can be sent 90 days in advance or 7 days before the solemnisation)
5. The applicants will then receive a Marriage permit from the District religious office after 7 working days of submission which must then be submitted to the Assistant Registrar marriages of the respective zones.
6. The solemnisation will then be conducted in accordance with the date and venue that had been agreed upon by the applicants.
7. After the solemnisation of the marriage the groom is requested to read the taqlik and sign the Particulars of Marriage letter and make payment of RM20.00 for the 2 witnesses and RM100.00 to the Assistant Registrar.
8. The groom is then issued with the Particulars of the marriage letter and he is required to register the marriage with the relevant District Religious Office, the marriage must be registered within 14 days after the date of the wedding.
9. The applicant then receives the Marriage Certificate from the District Religious Office after 7 working days from the date of registration.

## **Marriage Abroad & Foreign Marriages**

### **Solemnisation of marriages abroad in Malaysian Embassies, etc**

A marriage may be solemnised by an appointed Registrar at the Malaysian Embassy, High Commission or Consulate in the country abroad with the following conditions:

1. That one or both of the parties is a Malaysian citizen;
2. That each party has the capacity to marry according to the Enactment of the Islamic Family Laws 1985; and
3. That notice has been given within the specified time period and published both at the office of the Registrar in the Embassy, High Commission or Consulate where the marriage is to be solemnised and at the Registry of the marriage district in Malaysia where each party was last ordinarily resident, and no caveat or notice of objection has been received.

### **Registration and Procedure of Foreign Marriages**

1. Any person who is a citizen of Malaysia who is married abroad must:-
  - (i) register the marriage within 6 months after the date of marriage at the nearest Registrar abroad OR before any Registrar in Malaysia;
2. The person must :-
  - (i) produce the marriage certificate to the Registrar; and
  - (ii) fill in the prescribed form with the declaration in it.
3. The Registrar may dispense with the appearance of one of the parties to the marriage if he/she is satisfied that there is good and sufficient reason for such party's absence.

### **Polygamy**

In the Muslim law, no man shall re-marry another woman while he is still married to his wife unless he obtains a written permission from the Syariah Judge and he will need to make an application to Court.

The Court will look into the following to grant the permission of the applicant:-

1. applicant's earning capacity;
2. applicant's commitment's and responsibilities towards the new wife;
3. applicant's financial commitment and dependent's in the present family; and
4. present wife's permission or view of a second marriage.

Upon receiving the application, the applicant and his wife will need to be present in Court and the Court will allow the application on the following grounds:-

1. that the marriage is possible ;
2. that the applicant has the ability to maintain and finance his present and new family.
3. that the applicant will be able to treat his present and new family fairly and equally;
4. the proposed marriage must not cause harm (*dasar syari*) or be in any form of danger to his present wife.