

تقنين قانون الأسرة الإسلامي الماليزي

Codification of Islamic Family Law in Malaysia

سلمان زاهد أوزدمير* & ميسزيري بن سيتيريس** & محمد صبري بن زكريا***

Selman Zahid Ozdemir* & Miszairi Bin Sitiris & Mohamad Sabri B Zakaria*****

الملخص

ماليزيا بلد متعدّد الأعراق والقوانين واللغات. مرّ تاريخ ماليزيا ببعض الفترات الحاسمة حيث كانت على طريق التجارة من قبل الإسلام حتى يومنا الحاضر. على الرّغم من وجود آراء متعدّدة حول وصول الإسلام إلى ماليزيا، إلا أنّ الإسلام وصل بسلام من خلال العلاقات التجاريّة مع التجار العرب والهنود المسلمين وبفضل الصّوفية في القرن الثالث عشر تقريبًا على مضيق ملّقا، ثمّ انتشر عبر شبه جزيرة الملايو من القرن الرابع عشر. سلطنة ملّقا، التي حكمت ما بين ١٤٠٠-١٥١١، لعبت دورًا أساسيًا في تطوير وانتشار الإسلام في شبه جزيرة الملايو. لذلك، أثر الإسلام على مختلف الجوانب الثقافية والتقليدية لشعب شبه جزيرة الملايو.. علاوة على ذلك، بدأت مبادئ الشريعة الإسلامية في إدارة الشؤون القانونية للمجتمع، بما في ذلك العلاقات الأسريّة. لكن هذه العملية أوقفتها المستعمرون الغربيون، الهولنديون أولًا ثمّ البريطانيون. خلال الفترة

* PhD Candidate, Department of Fiqh and Usul al-Fiqh, Abdulhamid AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences International Islamic University Malaysia. selmanzahidozdemir@gmail.com Orcid: 0000-0002-5430-2894

** Assoc. Prof. Dr., Department of Fiqh and Usul al-Fiqh, Abdulhamid AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences International Islamic University Malaysia. miszairi@iium.edu.my

*** Asst.Prof. Dr., Department of Fiqh and Usul al-Fiqh, Abdulhamid AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences International Islamic University Malaysia. sabriz@iium.edu.my

الاستعمارية، كان المستعمرون يديرون النظام القانوني الماليزي بشكل أساسي بينما تدهور هيكله الديموغرافي في وقت واحد. ومع ذلك، فإن التمسك القوي لمسلمي الملايو بدينهم وتقاليدهم ساعدهم على اتباع طريقتهم الخاصة وتطوير قانون الأسرة الإسلامي أثناء الاستعمار البريطاني وبعده. ونتيجة لذلك، تبنت ماليزيا، التي دخلت المستعمرات الهولندية والبريطانية، قانوناً مختلطاً أثر أيضاً على الشريعة الإسلامية. خاصة أن قانون الأسرة له مكانة خاصة في هذا المجتمع. يوجد في ماليزيا نظامان لقانون الأسرة، أحدهما للمسلمين والآخر لغير المسلمين. القانون الذي يحكم غير المسلمين مطبق في المحاكم المدنية. على النقيض من ذلك، فإن قانون الشريعة الإسلامية الذي يحكم المسلمين متضمن في المحاكم الدينية (المحاكم الشرعية)، ويستأنف المسلمون أمام المحاكم الشرعية في مسائل قانون الأسرة. اليوم، تتجلى أهمية قانون الأسرة والحاجة إليه في القضايا المتعلقة بقانون الأسرة، مثل الزواج والطلاق وفسخ الزواج.

الكلمات المفتاحية: التدوين، قانون الأسرة الإسلامي، الشريعة، ماليزيا.

ABSTRACT

Malaysia is a multi-ethnic, multi-legal, and multilingual country. Malaysia's history has gone through some critical periods as it has been on a trade route from pre-Islamic to the present. Although there are multiple opinions on reaching the religion of Islām to Malaysia, Islam reached peacefully through trade relations with the Arab and Indian-Muslim traders and by dint of Sufis around the 13th century on the Strait of Malacca, then widespread across the Malay Peninsula from the 14th century. Malacca Sultanate, which ruled between 1400-1511, played an essential role in the development and spread of Islām in the Malay Peninsula. Therefore, Islam has affected various cultural and traditional aspects of the people of the Malay peninsula.

Moreover, Islamic Law principles have started to manage the legal affairs of society, including family relations. However, this process was interrupted by the western colonialists, first the Dutch and then the British. During the colonialist period, the Malaysian legal system was administered mainly by the colonialists while its demographic structure deteriorated simultaneously. Nonetheless, the strong adherence of the Malay Muslims to their religion and tradition helped them pursue their own way and develop Islamic family law during and after British colonialism. Consequently, Malaysia, which entered the Dutch and British colonies, adopted a mixed law, which also impacted Islamic law. Especially family law has a special place in this society. Malaysia has two family law systems, one for Muslims and the other for non-Muslims. The Law governing non-Muslims is applied in the civil courts. In contrast, that governing Muslims (Islamic Shari'ah Law) are involved in the religious courts (the Shari'ah courts), and Muslims appeal to Shari'ah courts in family law matters. Today, the importance of family

law and the need for it are evident in issues concerning family law, such as marriage, divorce, and the age of marriage.

Keywords: Codification, Islamic Family Law, Shari'ah, Malaysia.

INTRODUCTION: COUNTRY OVERVIEW

Malaysia is a federal state consisting of thirteen states and three federal territories in Southeast Asia, with an area of 329,847 square km. The capital is Kuala Lumpur, while Putrajaya is the federal government's centre. Thirteen Federated States in Malaysia include Johor, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Perak, Perlis, Penang, Sabah, Sarawak, Selangor and Terengganu, and three federal territories including Kuala Lumpur, Labuan, and Putrajaya.¹

Malaysia was once under Portuguese and Dutch rule before becoming a British colony at the end of the 18th century. The country's population exceeds thirty-two million people. The country is separated into West Malaysia and East Malaysia by the Natuna Islands, Indonesia's territory in the South China Sea. The head of state of Malaysia is a King or a Sultan, commonly known as the Yang di-Pertuan Agung, elected by rotation every five years. Only the states ruled by the King/Sultan can send his representative to become the King of Malaysia.²

The Federation of Malaysia was independent of British rule on August 31, 1957. Adherents of Islam were about sixty-one per cent of the total population; most of the Muslims in Malaysia belonged to the Shāfi'ī madhhab, although some adhered to the Ḥanafī madhhab even though in small quantities. Other religions in Malaysia include Buddhism (China and India), Hinduism, and Christianity.³ As stated in the Malaysian constitution in part one of Article three, "*Islam is the religion of the Federation*", but other religions are accepted and allowed.⁴ The Malaysian constitution also stipulates that the Head of State is the head of the Islamic religion.⁵ Article eleven also states that Malaysia agrees with the principle of freedom of religion.⁶ The interesting point of the

¹ Saw Swee-Hock, Population Trends and Patterns in Multiracial Malaysia. In Saw Swee-Hock and K. Kesavapany (eds.) *Malaysia: Recent Trends and Challenges*. (Singapore: Institute of Southeast Asian Studies, 2006): 7.

² Ong Argo Victoria and Fadly Ameer, *System and political development in Malaysia*, (International Journal of Law Reconstruction, 2018) vol. 2, Issue. 2, 134.

³ Ibrahim Abubakar, *The Religious Tolerance in Malaysia: An Exposition*, (Advances in Natural and Applied Sciences, 2013) vol. 7, no.1, 90.

⁴ The Federal Constitution of Malaysia, Article (3)1, "Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation."

⁵ Ibrahim Ahmad, *Towards an Islamic law for Muslims in Malaysia*, (Journal of Malaysian and Comparative Law, 1985): Vol. 12, 50. Kristen Stilt, *Contextualizing Constitutional Islam: The Malayan experience*, International Journal of Constitutional Law, (2015) vol. 13, no.2: 409.

⁶ Mohd Azizuddin Mohd Sani, *Islamization policy and Islamic bureaucracy in Malaysia*, (Singapore, ISEAS Publishing, Institute of Southeast Asian Studies, 2015): 17. Stilt, *Contextualizing Constitutional Islam: The Malayan experience*, vol. 13, 425.

Malaysian Constitution enshrined religious and ethnic identity as an exclusive position for Islam, the Sultan, and the Malay Muslims.⁷ According to Article one hundred sixty of the Malaysian constitution, Malays are defined as "people who profess to embrace Islam, are accustomed to speaking the Malay language, and conform to Malay customs."⁸ They have privileges, including the Malay quota system in education, government, and business.⁹ The concept of Ketuanan Melayu can explain this situation.¹⁰

In Malaysia, the Law in force before the British Colonial presence was Islamic Law mixed with customary Law. But during the British colonial rule, Islam has coloured various local legislative policies related to state functions, the existence and procession of *sharī'ah* judicial institutions to implement Islamic Law; as well as administrative regulations of Islamic socio-legal institutions enforced throughout the country, such as marriage law, divorce law, and inheritance law. This condition continued until Malaysia gained its independence.¹¹

Socio-Politics of The Malaysian State

Malaysia is well known as a multi-communal country; from the beginning with the existence of two ethnic groups, namely China and India, it was a time when Malaya was in the process of Indianization, which was then followed by the Islamization of several Muslim traders and Sufis from Arabia.¹² Since the earliest period in Malaysia, Islam has had close ties to politics and society; traditionally, in the Malay states, all aspects of government, if not drawn directly from religious sources and principles, are imbued with an aura of spiritual holiness. Islam is a core element of Malay identity and culture, providing an integrated awareness of religion, traditional values, rural life, and family life. Furthermore, it was said that Islam was a source of legitimacy for the sultans, who held roles as religious leaders, defenders of the faith, and protectors of Islamic Law, as well as education and traditional values. Islam and Malay identity are intertwined; being a Malay means being Muslim.¹³

⁷ Stilt, *Contextualizing Constitutional Islam: The Malayan experience*, vol. 13, 426.

⁸ Wan Norhasniah Wan Husina, Haslina Ibrahim, *Religious Freedom, The Malaysian Constitution and Islam: A Critical Analysis*, (Procedia - Social and Behavioral Sciences, 2016): vol. 217, 1217.

⁹ Stilt, *Contextualizing Constitutional Islam: The Malayan experience*, vol. 13, 410.

¹⁰ Ketuanan Melayu (كوتوانن ملايو), which translates as "Malay Overlordship," is a term that highlights Malay dominance in contemporary Malaysia.

¹¹ Farid Sufian Shuaib, *Administration of Islamic Law and human rights: The basis and its trajectory in Malaysia*, (Al-Jāmi'ah: Journal of Islamic Studies, 2018), Vol.56, no.2: 282-284.

¹² Ammar Fadzil, *Religious Tolerance in Islam: Theories, Practices and Malaysia's Experiences as a Multi Racial Society*, (Journal of Islam in Asia, 2012) Vol.8, no.3: 355.

¹³ Jaclyn Ling-Chien Neo, *Malay Nationalism, Islamic Supremacy and the Constitutional Bargain in the Multi-ethnic Composition of Malaysia*, (International Journal on Minority and Group Rights, 2006) Vol.13, no.1 : 101.

When Malays were colonised by the British, Islamic values, as mentioned above, were disturbed because British colonialism was politically divisive; besides that, there were also British attempts to separate them between religion and the State. This was realised by introducing civil administration and a legal system different from the Islamic legal and judicial systems.¹⁴ At the same time, society has also become more pluralistic due to the massive immigration of Chinese and Indian non-Muslims. The Malays rejected the British proposals for the Malay union to unite with equal citizenship rights for all concerning population growth, economic strength, and the influence of the Chinese and Indian communities.¹⁵

From a series of political turmoil in the Malay nation, at the same time, in 1951, the Pan-Malay Islamic Party (PMIP: Pan Malaya Islamic party) emerged, which is now known as PAS (Partai Islam Se-Malaysia), which offers party messages and programs that incorporate Malay nationalism and Islam.¹⁶ There have been fierce contests within civil society between the “liberal” camp (comprising SIS, most secular human rights NGOs and non-Muslim religious groups) and the “conservative” camp (consisting of mainstream Islamic organisations such as the Muslim Youth Movement of Malaysia, ABIM, and the Islamic Reform Movement of Malaysia, JIM, and a host of other Islamic organisations) vying for moral and political authority to guide people’s behaviour and influence state policies. At the core of these contestations are different sets of legal meanings which seek to define the parameters of legitimate state law.¹⁷ Meanwhile, UMNO and ABIM are more of an effort to revive Islamic values in a pluralist society and be accommodative to the two ethnicities (Chinese and Indian) in Malaysia.¹⁸

Codification of Islamic Family Law in Malaysia

Scholars are divided on the legality of Islamic law codification; some believe it is permissible, while others believe it is not. Since it would exceed the size of an article to deal with this issue here, the dictionary and term meaning of the word codification was briefly mentioned, and the development of family law in Malaysia was mentioned in this section.

¹⁴ Stilt, *Contextualizing Constitutional Islam: The Malayan experience*, vol. 13, 413-416.

¹⁵ Mohd Helmi Abd Rahim, Normah Mustaffa, Fauziah Ahmad, N. Lyndon, *A Memoryscape Malayan union 1946: The beginning and rise of modern Malay political culture*, (Canadian Center of Science and Education, Asian Social Science, 2013), vol.9, no.6: 39-40.

¹⁶ Ahmad Fauzi Abdul Hamid, Che Hamdan Che Mohd Razali, *The Changing Face of Political Islam in Malaysia in the Era of Najib Razak*, *Sojourn: (Journal of Social Issues in Southeast Asia*, 2015), vol. 30, no.2: 304.

¹⁷ Marzuki Mohamad, *Human Rights and Constitutional-Contract Politics in Malaysia*. (Intellectual Discourse, 2008), Vol. 16, No. 2: 157.

¹⁸ Wain, Alexander, *The Politicisation of Islam in Malaysia and Its Opponents*. (ICR Journal, 2021) vol. 12, no.1: 29-32.

Definition of Codification

The process of initiating codes is referred to as codification. *Taqnīn* means codification in Arabic word. The word *Taqnīn* is the maṣdar/source of (قَنَّ) verb in Arabic; it comes from the root of "qānūn." The word "qānūn" is an Arabised word from the Greek language. It is taken from the Greek word kanōn (κανών), which means straight stick, order, principle, or integrity in legal rules. This word has been transferred to several languages, including Arabic.¹⁹ *Taqnīn* literally means "wad'u al-qawānīn fī māddah," in its modern sense, which translates as placing and arranging the laws with the codes.²⁰ Codification in law simply refers to the process of developing a legal code.

According to Ashqar, Codification is the collection of lawful philosophies relevant to a particular area of law as a book, a code, or a compilation from an Islamic point of view. This would be done after evaluating and ordering these principles, removing any contradictions, and then organising them by a topic to appear in the aspects of judicial articles.²¹ This definition paints a vivid picture of codification and briefly demonstrates its implementation. According to Zuhayli, the codification of Islamic law is turning *Sharī'ah* rulings on financial transactions and dealings into a simple legal article to facilitate reference for the court decision, consolidate legal decisions, and assist litigants in understanding the legal rulings and the basis for them.²²

Codification Concept in Islamic Family Law

Scholars and family law legislators used several terms in mentioning Islamic family law. As for the terms that are commonly used in the books of *fiqh*: al-aḥwāl al-shakhṣīyah; niẓām al-'Usrah; ḥuqūq al-'Usrah; al- Aḥkām al-'usrah, munākahāt. While in Islamic family law legislation in Arabic, the following terms are used: qānūn al-aḥwāl al-shakhṣīyah; qānūn al-'usrah; qānūn ḥuqūq al-'A'ilah, Aḥkām al-zawāj; and Aḥkām al-izdiwāj. About those terms used in English, both in books and Islamic family law legislation: Islamic personal Law; Islamic family law; Muslim Family Law; Islamic family Protection; Islamic law of personal status; Islamic law of family rights; Islamic marriage law; and Islamic marriage ordinance.

¹⁹ Ezzat Zāyed, *al-Mawsū'ah al-thāfiyyah fī maḥw al-ummiyyah al- qānūniyyah*, (Cairo: al-Hay'ah al-Misriyyah al-'Āmmah li al-Kitāb, 2006), 1:13.

²⁰ Majma al-Lughah al-'Arabiyyah, *al-Mu'jam al-Wasīl*, (Egypt: Maktabah al-Shurūq al-Duwaliyyah, 2011), 791; *al-Mu'jam al-Wajīz*, (Cairo: Ministry of Education, 1992), 918.

²¹ Umar Sulayman al-Ashqar, *Tārikh al-Fiqh al-Islāmi*, (Kuwait: Maktabat al-Falāh, 1982), 187.

²² Wahbah al-Zuhaylī, *al-Fiqh al-Islāmi wa Adillatuhu*, (Syria: Dār al-Fikr, 1985), 1:27.

Islamic Family Law Enactments in Malaysia

It is well known that Muslims in Malaysia belong to the Sunni madhab. There are four leading schools of thought comprised in the madhab; these schools of thought are the Ḥanafī, the Mālikī, the Shāfi‘ī, and the Ḥanbalī. Out of these, most Malaysians generally refer to the Shāfi‘ī madhab.²³ Nevertheless, where there is no specific explanation regarding a particular issue, it is permitted for the parties to depend on any of the rules of Islam in any of these acknowledged four Sunni schools of thought, as exercised in Malaysia and the matter of personal affairs, is signified by the Malay practices and traditions, just as this is obviously apparent from the wedding formalities and custom in the country.²⁴

West Malaysia, or the Malay Peninsula, has eleven states with a legal kingdom in eight of eleven states. Traditionally, the ruler, who is known as the Sultan in most of these States, is the controller of his State and, consequently, the guardian of the religious practice in that State. For that reason, there are different enactments for Islamic Law management in each State.²⁵ The intended enactments are summarised as follows:²⁶

1. Enactment of the Islamic Family Law, Kedah, 1979 (No 1 of 1984).
2. Enactment of the Islamic Family Law, Kelantan, 1983. (No 1 of 1983)
3. Enactment of the Islamic Family Law, Malacca, 1983. (No 8 of 1983)
4. Enactment of the Islamic Family Law, Negeri Sembilan, 1983. (No. 8 of 1983)
5. Islamic Family Law, Federal Territory Act, 1984.
6. Enactment of the Islamic Family Law, Selangor, 1984. (No. 4 of 1984)
7. Enactment of the Islamic Family Law, Perak, 1984. (No. 13 of 1984)
8. Enactment of the Islamic Family Law, Penang, 1985. (No. 2 of 1985)
9. The Administration of the Islamic Family Law, Terengganu, 1985. (No. 2 of 1985)
10. Enactment of the Islamic Family Law, Pahang, 1987. (No.3 of 1987)
11. Enactment of the Islamic Family Law, Perlis (1992). (No. 4 of 1992)
12. Islamic Family Ordinance, Sarawak, 1991.
13. Enactment of Islamic Family Law, Sabah, 1992 (No. 15 of 1992).

²³ Azizah binti Mohd, *An Appraisal of the Application of Fiqh Al- Hanafi Under Islamic Family Law (Federal Territories) Act 1984*, (IIUM Law Journal, 2019) vol. 27, no.2: 323.

²⁴ Yusuf Abdul Azeez, Luqman Zakariyah, Syahirah, Abdul Shukor, & Ahmad Zaki Salleh, *Codification of Islamic Family Law In Malaysia: The Contending Legal Intricacies*, (Science International (Lahore) 2016) vol. 28, no.2: 1754.

²⁵ Nora Abdul Hak, *Role Of The Conciliatory Committee And Hakam (Arbitrator): The Practice And Provisions Of The Islamic Family Law In Malaysia*, (Singapor, In Meeting the Challenges of Law in Asia–Second Asian Law Institute (ASLI) Conference, 2005): 2-3.

²⁶ N. Abdul Hak, *Role Of The Conciliatory Committee And Hakam (Arbitrator): The Practice And Provisions Of The Islamic Family Law In Malaysia* 2-3; Mogana Sunthari Subramaniam, *Judicial Dilemma: Secular or Syariah for Inter-Faith Family Disputes in Malaysia*, (Center for Asian Legal Exchange (CALE), 2018): 9-10.

These state enactments eke out the existence of the creation of the Islamic religious committees identified as "Majlis Agama Islam" of the State together with their responsibilities and authorities.²⁷ These enactments also make provision for the setting up the *Shari'ah* Courts to manage the *Shari'ah* laws referred to as *Hukum Shari'ah*. By way of example, under section 45(2)(b) of the Selangor State Management of Islamic Law Enactment 1989 provides that "*the Shari'ah High Court shall in its civil jurisdiction, hear and determine all actions and proceedings in which all the parties are Muslims and which matters relate to*":

- a) Betrothal, marriage, divorce, nullification of marriage (faskh) or judicial separation (firāq);
- b) Any disposition of, or claim to, property arising out of any of the matters set out in paragraph (a);
- c) The maintenance of dependents, legitimacy or guardianship or custody of infants;
- d) The division, or claims to *harta sepencarian* (matrimonial property); etc.²⁸

Malaysia Law System and Stages of Codification of Islamic Family Law

In Malaysia, there are two sets of laws applicable in personal matters of intestacy, marriage, divorce, custody of children, and division of assets on the breakdown of a marriage: the laws governing non-Muslims and the laws governing Muslims.²⁹ They are distinct and separate jurisdictions. The Law governing non-Muslims is applied in the civil courts, while that governing Muslims (Islamic Sharī'ah Law) is involved in the religious courts (the Sharī'ah courts). Due to the existence of a dual-legal system, non-Muslim family disputes are adjudicated in civil court by judges trained in civil law. In contrast, Muslim family disputes are resolved in Sharī'ah courts by Kadhis (Islamic Religious Judge) well versed in Islamic law. Non-Muslim family matters are filed in Civil High Court (Family Division).³⁰

Having said that, there are three main sources of Law applicable in Malaysia: written Law, Unwritten Law, and Islamic Law. Written Law is the most important among the three as it consists of federal and state constitutions, federal and state parliamentary legislation, and supplementary legislation (laws and regulations). Additional legislation

²⁷ F. Shuaib, *Administration of Islamic Law and human rights: The basis and its trajectory in Malaysia*, Vol.56, no.2, 284.

²⁸ Y. Abdul Azeez, et al., *Codification of Islamic Family Law In Malaysia : The Contending Legal Intricacie*, (Science Internaional (Lahore) 2016) vol. 28, no.2: 1754.

²⁹ Foo Yet Ngo and Kirani Dhaliwal Y N Foo and Partners, *Family Law in Malaysia: An Overview*, (Book Review, Association Corporate Council, Practical law, Global Guide, 2017), 1.

³⁰ Subramaniam,. *Judicial Dilemma: Secular or Syariah for Inter-Faith Family Disputes in Malaysia*, 8-10.

is made by an agency or person authorised to perform such duties under federal parliamentary Law or state legislation.³¹

Furthermore, discussing family law, Malaysia is the first country in Southeast Asia to reform Family Law, namely with the birth of Muhammad Marriage Ordinance, no. V 1880 in the Straits Settlements.³² Thus, the Marriage and Divorce Law was first introduced in the Straits Settlements Penang, Malacca and Singapore before Malaysia became independent.³³ After independence, there was a reform of Law in Malaysia, and each State has its own Islamic family law. Islamic family law in Malaysia is one of the most advanced and enlightened personal status laws in the Muslim world, enacted to make divorce easier for men and reduce their financial responsibilities to women. Women lose their right to livelihood if they do not submit to their husbands.³⁴ They are responsible for the living costs of their illegitimate children. If they commit fahisyah (heinous acts, such as adultery), women lose their right to financial support. Below are the stages of codification of Islamic family law in Malaysia:

Before British Colonization

In 1400 the State of Malacca became the main port for the arrival of Chinese traders to trade with Indian and Arab traders. These trade relations have various impacts on the territory of Malaysia. In the early days, Hinduism strongly influenced Malay customs and Customary Law. Then this alternates with the strong dominance of Islam's influence, which significantly impacts Malay customary law and is a crucial element in modern Malaysian Law. In 1511, Malacca fell to Portuguese rule and lasted for 130 years until the Dutch finally ruled it in 1641. The Dutch ruled Malacca until 1824³⁵, except for 1795 to 1801 and 1807 to 1818, a short period of British rule. Then power passed to Britain according to the Anglo-Dutch treaty of 1824.³⁶ This event expanded British influence in the area, which had previously established British populations in Penang (1876) and Singapore (1819).³⁷

³¹ Sharifah Suhanah Syed Ahmad, *Introduction to the Sources of Law in Malaysia*, (International Journal of Legal Information, 2012) Vol. 40, no. 1-2 : 183.

³² M Noor Harisudin, Muhammad Choriri, *On The Legal Sanction Against Marriage Registration Violation in Southeast Asia Countries: A Jasser Auda's Maqasid Al-Shariah Perspective*, (SAMARAH Jurnal Hukum Keluarga dan Hukum Islam, 2021) Vol. 5, No.1: 484-486.

³³ Sharifah Ahmad, *Introduction to the Sources of Law in Malaysia*, 179.

³⁴ Raihanah, Abdullah & Soraya, Khairuddin, *The Malaysian Shari'ah Courts: Polygamy, divorce and the administration of justice*, (Asian Women, 2009) Vol. 25, No.1: 40-43.

³⁵ Sharifah Ahmad, *Introduction to the Sources of Law in Malaysia*, 177.

³⁶ Muslihah Hasbullah Abdullah & Najibah Mohd Zin, *Historical Developments of Financial Rights after Divorce in the Malaysian Islamic Family Law*", (Asian Culture and History, 2009) Vol. 1, No. 2: 152.

³⁷ Sharifah Ahmad, *Introduction to the Sources of Law in Malaysia*, 179.

Before the arrival of the colonisers, the Law enforced in Malaysia was Islamic Law mixed with customary Law.³⁸ In other words, the laws that prevailed in the Malay states before the British intervention were a Perpatih custom for most Malays in Negeri Sembilan, Masjid Tanah and some areas in Malacca, and the tradition of Temenggung in other parts of the Peninsula, in some history books, the custom of Temenggung is said to have some similarities with the Islamic laws.³⁹ In the traditional period, the Sultan was the highest religious and political official; however, they had a substantial role in the administration of Law.⁴⁰ Rural scholars were the most important representatives of Islam; because several religious counsellors were appointed as *qāḍī* under the Malacca Sultanate; they had risen to a position of relative power as kadis, wielding significant influence over the populace and rulers in imposing Islamic law.⁴¹

British Colonial Period

The British assumed command of port metropolises for the motive of alternate and trade in Penang (1786), Singapore (1819), and Malacca (1824). The three colonies collectively designed the Straits Settlements, which later came to be dominated at once as a proper Crown colony starting in 1867.⁴² Unconnectedly, Britain hooked up protectorates in what could turn out to be referred to as the "Federated Malay states of Perak, Negeri Sembilan, Pahang, and Selangor, and the Unfederated Malay States of Johor, Kedah, Kelantan, Perlis, and Terengganu".⁴³

Too soon as the 20th century, all the regions of the Malay landmass became delivered beneath comparable covenants as Britain pursued to increase its authority over Malay and neighbourhood rulers searched for accommodation to unite their very own power vis-a-vis neighbourhood competitors. However, in 1880 Britain recognised the existence of Islamic marriage and divorce law by introducing the Muhammadan Marriage Ordinance, to be enforced in the strait region.⁴⁴

³⁸ R. Abdullah & S. Khairuddin, *The Malaysian Shari'ah Courts: Polygamy, divorce and the administration of justice*, Vol. 25, No.1: 22.

³⁹ Jowati binti Juhary, *Abstraction and Concreteness in Customary Practices in Malaysia : A Preliminary Understanding*", (International Journal of Humanities and Social Science, 2011) Vol. 1, No. 17 : 281.

⁴⁰ Vincent Lowe, *Symbolic Communication in Malaysian Politics — The Case of the Sultanate*, (Southeast Asian Journal of Social Scienc, 1982) Vol. 10, No. 2, 87-88.

⁴¹ Abdullah, M. H., & Zin, N. M, *Historical Developments of Financial Rights after Divorce in the Malaysian Islamic Family Law*", Vol. 1, No. 2: 149.

⁴² Andrew Abraham, *The Transfer of the Straits Settlements: A Revisionist Approach to the Study of Colonial Law and Administration*, (Journal of the Hong Kong Branch of the Royal Asiatic Society, 2002) Vol. 42: 1.

⁴³ Wan Kamal Mujani & Wan Hamdi Hamdi Wan Sulaiman, *Historical Development of the Federalism System in Malaysia: Prior to Independence*, (Advances in Social Science, Education and Humanities Research (ASSEHR) 2016) Vol. 75: 514-515.

⁴⁴ Abdullah, M. H., & Zin, N. M, *Historical Developments of Financial Rights after Divorce in the Malaysian Islamic Family Law*", Vol. 1, No. 2: 152.

Meanwhile, for the Malay Federated States (Perak, Selangor, Negeri Sembilan, and Pahang), the Muhammadan Marriages and divorces enactment was enacted in 1885, while Johor enacted the divorce regulation in 1907.⁴⁵ However, the creation of codified regulation, new legal principles and classifications, and an English variety of legal institutes altogether indicated a standard departure from the accustomed practices that had diversified extensively throughout the Malay peninsula. The new regulatory rule was dissimilar to *Usul al-fiqh*'s prominent philosophical opinions.

After Independent

After Malaysia gained its independence, the federal constitution declared Islam as the state's official religion in 1957 and 1963.⁴⁶ Islamic Law and its administration are officially enforced throughout Malaysia's region, including Perak, Selangor, Negeri Sembilan, Pahang, Kelantan, Terengganu, Kedah, and Johor.⁴⁷ In two states, namely Sabah and Sarawak, the Muslim population is a minority. Sabah, which has a Muslim population less than Sarawak, used the administration of Islamic Law in 1971. Moderate Sarawak is still applying the Court Law Malay 1915. Malaysian legislation in family law has undergone several updates throughout its history, particularly after its independence. The period from 1976 to post-1980 witnessed these updates in family affairs. The Law Reform (Marriage and Divorce) Act 1976 rules non-Muslims in the country, while “in the early 1980s, Malaysia introduced a special law pertaining to the Islamic family.”⁴⁸ These new family law reform efforts have covered all aspects of marriage and divorce, not just the registration of marriages and divorces as in previous laws. The effort was started in 1982 by Melaka, Kelantan, and Negara Sembilan, later followed by other states.⁴⁹

The current Islamic marriage law in Malaysia is a marriage law according to the provisions of the state law. The Family Laws include: Malacca Islamic Family Law 1983, Kelantan Law 1983, Negeri Sembilan Law 1983, Federal Territory Law 1984, Perak Law 1984 (No.1), Kedah Law 1979, Penang Law 1985, Terengganu Law 1985, Law Pahang 1987, Selangor Law 1989, Johor Law 1990, Sarawak Law 1991, Perlis Law 1992, and

⁴⁵ Basyiroh, Marwa Atika, *The implementation of marriageable age provision in Malaysia and Indonesia: Comparative Study of Regulation number 1 year 1974 and Enactment Islamic Family Law of Malacca number 12 year 2002*, (Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim, 2018), 3.

⁴⁶ Farid Sufian Shuaib, *The Islamic Legal System in Malaysia*, (Washington International Law Journal, 2012) Vol.21 No.1: 92. Nor, Mohd Roslan Mohd & Ahmad Termizi Abdullah & Abdul Karim Ali, *From Undang-undang Melaka to federal constitution: the dynamics of multicultural Malaysia*, (SpringerPlus, 2016) vol.5 No.1 :1.

⁴⁷ F. Shuaib, *The Islamic Legal System in Malaysia*, 91.

⁴⁸ Raihana Abdullah, *A study of Islamic Family Law in Malaysia: A Select Bibliography*, (International Journal of Legal Information, 2007) Vol. 35 No.3, 514-516.

⁴⁹ Ibrahim, A., *Towards an Islamic law for Muslims in Malaysia*, Vol. 12, 51.

Sabah Law 1992.⁵⁰ The attempt is made below to look at some of the latest modifications that have been carried out on the Islamic family law governance in Malaysia, particularly on the Muslim laws in the matter of marriage, polygamy, divorce, and other issues of relevance.

SOME ISSUES AND EXAMPLES IN MALAYSIAN ISLAMIC FAMILY LAW

Marriage Registration

Marriage law in Malaysia requires the registration or registration of marriages. Therefore, the recording process, in principle, is carried out after the marriage contract. However, in practice, there are three types of recording processes:⁵¹

First: For those living in their respective countries, the recording is done immediately after the marriage contract is completed, except for Kelantan, which stipulates seven days after the marriage contract, and the recording is witnessed by a guardian and two witnesses and registrants. As in the Pulau Pinang Law Article 22 Paragraph 1, it is stated: *"After the marriage contract is carried out, the registrant should record the stipulated items and the prescribed ta'liq or other ta'liq for marriage in the marriage register"*.

Second: Malaysian natives who marry Malaysian embassies who are abroad. In this case, the registration process is, in principle, the same as the process for Malaysians who perform marriages in their country. The difference is only in the registrar, not by the original registrar appointed in Malaysia, but by the registrant appointed at the Malaysian embassy or consul in the country concerned. As in the Pulau Pinang Law Article 24 Paragraph 1, it is stated: *"(1) Subject to subsyksen. (2) marriages may be contracted according to Shari'ah law by the registrant who is appointed under the section"*.

Article 28 Paragraph 3 states: *"The Embassy of Suruhhanjaya Tinggi or Malaysian consul officials everywhere have informed the Malaysian kingdom about its objection to the marriage contract at the Suruhanjaya Tinggi embassy or the consul official"*.

Third: Malaysians who live abroad and marry not at the Malaysian embassy or consul in the country concerned. The process for this case is that the man, who marries within six months after the marriage contract, registers with a registrar appointed by the

⁵⁰ N. Abdul Hak, *Role Of The Conciliatory Committee And Hakam (Arbitrator): The Practice And Provisions Of The Islamic Family Law In Malaysia*, 2 ; Ibrahim, A., *Towards an Islamic law for Muslims in Malaysia*, Vol. 12, 51.

⁵¹ Nisak, Khoirun, *Regulation of marriage registration in Indonesia and Malaysia in woman's rights perspective comparative studies between ministry of religion affair's regulation number 11 year 2007 Indonesia and enactment of Islamic family law in Pulau Pinang number 3 year 2004 Malaysia*, (Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim, 2015), 49-51.

nearest embassy and consul. If the concerned person returns to Malaysia before the six-month period expires, he may also register in Malaysia. This provision is based on Article 29, paragraph 1 of the Sarawak Law, the Kelantan Law, and the Nine State Law.

Restrictions on the Age of Marriage and Interfaith:

In Malaysian legislation, the minimum marriage age is 16 years for the bride and 18 years for the groom. This provision is based on Malaysian Law: The legal age for marriage for women is not less than 16 years, and for men, not less than 18 years. Therefore, if one or both couples who want to get married are less than the age limit applied, it is necessary to obtain the truth of the Shari'ah judge first.⁵² Islamic Family Law (Federal Territory) 1984 Number 304:

Article 8 states: *"It is not permissible to solemnise a marriage or register a marriage where the age of marriage is under 18 years for men and under 16 years for women unless a Shari'ah judge allows it to be recorded under certain conditions."*⁵³

Article 37 states: *"Unless permitted by Shari'ah law any person who uses any force or threat (a) to force a person to marry against his will, or (b) to prevent a man who has reached the age of eighteen years or a woman who has reached the age of 16 to enter into a valid marriage contract is a crime and must be punished with a fine of not more than one thousand ringgit or imprisonment not exceeding six months or punished with both fines and imprisonment."*⁵⁴

Divorce

The reasons for divorce in family law in Malaysia are the same as the reasons for the occurrence of Faskh. As in the Perak law and the Pahang Law, it is stated that five reasons lead to divorce, which are that husband is crazy/has leprosy, impotent husband, marriage permission/approval from the wife is not valid, either because coercion at the time of marriage, the wife is mentally ill or other valid reasons for faskh according to Shari'ah.⁵⁵ Meanwhile, what applies in Negara Sembilan, the Alliance of Pulau Pinang and Selangor, several reasons are the same as in Perak and Pahang, but there are several additional reasons, including:

⁵² Basyiroh, M., *The implementation of marriageable age provision in Malaysia and Indonesia: Comparative Study of Regulation number 1 year 1974 and Enactment Islamic Family Law of Malacca number 12 year 2002*, 50. Reddy, Rita. *Marriage and Divorce Regulation and Recognition in Malaysia*. (Family Law Quarterly, 1995) Vol. 29, no. 3: 620.

⁵³ See: The Islamic Family Law (Federal Territories) Act 1984.

⁵⁴ See: The Islamic Family Law (Federal Territories) Act 1984.

⁵⁵ Y. Abdul Azeez, et al., *Codification of Islamic Family Law In Malaysia : The Contending Legal Intricacies*, vol. 28, no.2: 1754. R. Abdullah & S. Khairuddin, *The Malaysian Shari'ah Courts: Polygamy, divorce and the administration of justice*, Vol. 25, No.1: 37.

- a) It is not known where the husband lived for one year.
- b) The husband did not provide for three months.
- c) The husband was imprisoned for three years or more.
- d) The husband does not provide spiritual support for a year.
- e) The wife is married to the husband before sixteen, refuses the marriage, and has not had intercourse with the husband.
- f) Husband abuses wife.⁵⁶

Three things need to be considered from some of the reasons mentioned above. First, even though all laws make irrational elements as a reason for divorce, the laws of Negara Sembilan, Pulau Pinang, Selangor and Sarawak require a minimum of two years of illness. Meanwhile, the Kelantan, Pahang, and Perak laws do not require a minimum limit. Second, all laws include other reasons for Faskh. Third, the Kelantan Law, Negeri Sembilan, the association of Pulau Pinang, Selangor, and Sarawak, lists forced marriage as a reason for divorce. However, in general, Talaq's process or steps of divorce are as follows: First, file for divorce in court, accompanied by reasons. Second, an examination that includes the summoning of the parties by the court and court proceedings. Third, the verdict.⁵⁷

The peacemaker is appointed in the peace process, preferably from the close relatives of the family in question. If the appointed peacemaker is considered less capable of carrying out his duties, he can be replaced by another peacemaker who is considered more capable. The reconciliation period is a maximum of six months or more with the court's approval, except Kelantan, which stipulates three months. Suppose the parties do not want to be reconciled; in that case, the appointed employee must make a report and attach matters that need to be considered concerning the consequences of divorce, such as alimony and childcare before adulthood, division of property, and others.⁵⁸

Polygamy:

Based on the Marriage Law in Malaysia, it is permissible for a man to practice polygamy. However, on whether a man can commit polygamy, three things need to be discussed, namely: (i) the conditions, (ii) the reasons for considering whether or not polygamy is allowed, and (iii) the procedure. As for the conditions that must be met for someone who wants to practice polygamy, namely the written permission of the judge, this provision is

⁵⁶ Y. Abdul Azeez, et al., *Codification of Islamic Family Law In Malaysia : The Contending Legal Intricacie*, vol. 28, no.2: 1757.

⁵⁷ R. Abdullah & S. Khairuddin, *The Malaysian Shari'ah Courts: Polygamy, divorce and the administration of justice*, Vol. 25, No.1: 43.

⁵⁸ N. Abdul Hak, *Role Of The Conciliatory Committee And Hakam (Arbitrator): The Practice And Provisions Of The Islamic Family Law In Malaysia*, 10.

almost stated in all state marriage laws.⁵⁹ However, some differences can be broadly grouped into:

First, which is the majority group (Ninth State Law Article 23 paragraph 1, Pulau Pinang Law Article 23 paragraph 1, Selangor Law article 23 paragraph 1, Pahang Law Article 23 paragraph 1, the Federal Territory Law Article 21 paragraph 1, the Perak law Article 21 paragraph 1 in these articles, it is stated: "*No man may marry another while he is still married to his existing wife except by first obtaining the truth in writing from the judge. Shari'ah, and if he marries in such a way without the truth, then the marriage may not be registered under the enactment of the Shari'ah.*" In the Perak law article 21, paragraph 1, there is an additional sentence: "*Obtaining prior approval from the judge that he will be fair to his wives*".

Second, polygamy without permission from the court may be registered on the condition that it first pays a fine or undergoes a sentence that has been delayed.⁶⁰ The court's considerations are whether to give permission or not, from the perspective of the wife and husband. As for some of the reasons that the husband can put forward, among others, are infertility, physical ageing, not being physically fit to have intercourse, crazy wife.⁶¹ While some reasons that wives can put forward include financial ability, trying to be fair, and the marriage that does not endanger the religion, life, body, mind, or property of the wife who was married first.

CONCLUSION

To date, many Muslim countries have made Islamic family law a law that manages affairs in a Muslims' family environment. Along with changes in time and conditions, Islamic family law that has been codified continues to undergo innovation to address the problems that arise in the family of the Muslim community of Malaysians. Without a doubt, there are at least some aspects of the Islamic family law undergoing reform and changes in Malaysia, which include problems: age limit for marriage, restriction on the role of guardians in marriage, marriage registration, financial ability in marriage, restriction of polygamy, family maintenance, restriction of husband's right to divorce wife, rights, and obligations due to divorce, pregnancy and implications, guardianship rights of parents, rights of heirs, obligatory wills, and endowment management.

⁵⁹ Y. Abdul Azeez, et al., *Codification of Islamic Family Law In Malaysia : The Contending Legal Intricacie*, vol. 28, no.2: 1754.

⁶⁰ Fatah Yasin, Raudlotul Firdaus, *Analysis of polygamy provision under the Islamic Family Law (Federal Territories) Act 1984; with reference to the Qur'an and Sunnah*, (IIUM Law Journal, 2010) Vol. 18 No.2: 280.

⁶¹ Y. Abdul Azeez, et al., *Codification of Islamic Family Law In Malaysia : The Contending Legal Intricacie*, vol. 28, no.2: 1754. ; Fatah Yasin, Raudlotul Firdaus, *Analysis of polygamy provision under the Islamic Family Law (Federal Territories) Act 1984; with reference to the Qur'an and Sunnah*, Vol. 18 No.2: 272.

The benefits of codification of Islamic family law can at least be seen from the point of view of the advantages of legal codification: *First*, the existence of legal codification will encourage public compliance to implement the Law, given that if the Law is violated, will cause legal consequences in the form of sanctions by legal provisions that happened. The consequences of such compliance with the Law will benefit the community. For example, being connected with marriage law concerning rights and obligations between fellow family members will make the relationship among them more conducive. *Second*, it will make it easier for law enforcement to resolve problems posed because they do not need to bother hard to find legal provisions on the issues submitted to them. As the provisions are in the books of jurisprudence, the case can run faster and more smoothly according to the wishes of the seekers of justice.

Seeing so much discussion of Islamic family law, this article is limited only to the development the Islamic family law in Malaysia. Based on the above discussion, it can be concluded that efforts to codify Islamic family law in the Muslim world are important due to three factors: *First*, Islamic Family Law occupy a more critical position than other laws in the clump of Islamic Muamalah law. *Second* is the effort's positive value for codifying Islamic family law. *Third*, Islamic Law is more acceptable and applied in society than other laws.

REFERENCES

- Ahmad Fauzi Abdul Hamid, Che Hamdan Che Mohd Razali, The Changing Face of Political Islam in Malaysia in the Era of Najib Razak, *Sojourn: Journal of Social Issues in Southeast Asia*, 2015, vol. 30, no.2.
- al-Ashqar, Umar Sulayman, *Tārikh al-Fiqh al-Islāmi*, Kuwait: Maktabat al-Falāḥ, 1982.
- al-Mu'jam al-Wajīz, Cairo: Ministry of Education, 1992.
- al-Zuhaylī, Wahbah, *al-Fiqh al-Islāmī wa Adillatuhu*, Syria: Dār al-Fikr, 1985.
- Ammar Fadzil, Religious Tolerance in Islam: Theories, Practices and Malaysia's Experiences as a Multi Racial Society, *Journal of Islam in Asia*, 2012 Vol.8, no.3.
- Andrew Abraham, The Transfer of the Straits Settlements: A Revisionist Approach to the Study of Colonial Law and Administration, *Journal of the Hong Kong Branch of the Royal Asiatic Society*, 2002 Vol. 42.
- Azizah binti Mohd, An Appraisal of the Application of Fiqh Al- Hanafi Under Islamic Family Law (Federal Territories) Act 1984, *IIUM Law Journal*, 2019, vol. 27, no.2.
- Basyiroh, Marwa Atika, The implementation of marriageable age provision in Malaysia and Indonesia: Comparative Study of Regulation number 1 year 1974 and Enactment Islamic Family Law of Malacca number 12 year 2002, Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim, 2018.
- Farid Sufian Shuaib, Administration of Islamic Law and human rights: The basis and its trajectory in Malaysia, *Al-Jāmi'ah: Journal of Islamic Studies*, 2018, Vol.56, no.2.
- Farid Sufian Shuaib, The Islamic Legal System in Malaysia, *Washington International Law Journal*, 2012, Vol.21 No.92.
- Fatah Yasin, Raudlotul Firdaus, Analysis of polygamy provision under the Islamic Family Law (Federal Territories) Act 1984; with reference to the Qur'an and Sunnah, *IIUM Law Journal*, 2010, Vol. 18 No.2.
- Foo Yet Ngo and Kirani Dhaliwal Y N Foo and Partners, Family Law in Malaysia: An Overview, Book Review, Association Corporate Council, Practical law, Global Guide, 2017.

Ibrahim Abubakar, The Religious Tolerance in Malaysia: An Exposition, *Advances in Natural and Applied Sciences*, 2013, vol. 7, no.1.

Ibrahim Ahmad, Towards an Islamic law for Muslims in Malaysia, *Journal of Malaysian and Comparative Law*, 1985, Vol. 12,

Jaclyn Ling-Chien Neo, Malay Nationalism, Islamic Supremacy and the Constitutional Bargain in the Multi-ethnic Composition of Malaysia, *International Journal on Minority and Group Rights*, 2006, Vol.13, no.1.

Jowati binti Juhary, Abstraction and Concreteness in Customary Practices in Malaysia: A Preliminary Understanding”, *International Journal of Humanities and Social Science*, 2011, Vol. 1, No. 17.

Kristen Stilt, Contextualizing Constitutional Islam: The Malayan experience, *International Journal of Constitutional Law*, 2015, vol. 13, no.2.

M Noor Harisudin, Muhammad Choriri, On the Legal Sanction Against Marriage Registration Violation in Southeast Asia Countries: A Jasser Auda’s Maqasid Al-Shariah Perspective, *SAMARAH Jurnal Hukum Keluarga dan Hukum Islam*, 2021, Vol. 5, No.1.

Majma al-Lughah al-‘Arabiyyah, al-Mu’jam al-Wasī, Egypt: Maktabah al-Shurūq al-Duwaliyyah, 2011.

Marzuki Mohamad, Human Rights and Constitutional-Contract Politics in Malaysia. *Intellectual Discourse*, 2008, Vol. 16, No. 2.

Mogana Sunthari Subramaniam, Judicial Dilemma: Secular or Syariah for Inter-Faith Family Disputes in Malaysia, Center for Asian Legal Exchange (CALE), 2018.

Mohd Azizuddin Mohd Sani, Islamization policy and Islamic bureaucracy in Malaysia, Singapore, ISEAS Publishing, Institute of Southeast Asian Studies, 2015.

Mohd Helmi Abd Rahim, Normah Mustaffa, Fauziah Ahmad, N. Lyndon, A Memoryscape Malayan union 1946: The beginning and rise of modern Malay political culture, *Canadian Center of Science and Education, Asian Social Science*, 2013, vol.9, no.6.

Muslihah Hasbullah Abdullah & Najibah Mohd Zin, Historical Developments of Financial Rights after Divorce in the Malaysian Islamic Family Law, *Asian Culture and History*, 2009, Vol. 1, No. 2.

Nisak, Khoirun, Regulation of marriage registration in Indonesia and Malaysia in woman's rights perspective comparative studies between ministry of religion affair's regulation number 11 year 2007 Indonesia and enactment of Islamic family law in Pulau Pinang number 3 year 2004 Malaysia, Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim, 2015.

Nor, Mohd Roslan Mohd & Ahmad Termizi Abdullah & Abdul Karim Ali, From Undang-undang Melaka to federal constitution: the dynamics of multicultural Malaysia, *SpringerPlus*, 2016, vol.5, no.1.

Nora Abdul Hak, Role Of The Conciliatory Committee And Hakam (Arbitrator): The Practice And Provisions Of The Islamic Family Law In Malaysia, Singapor, In Meeting the Challenges of Law in Asia—Second Asian Law Institute (ASLI) Conference, 2005.

Ong Argo Victoria and Fadly Ameer, System and political development in Malaysia, *International Journal of Law Reconstruction*, 2018, vol. 2, Issue. 2.

Raihana Abdullah, A study of Islamic Family Law in Malaysia: A Select Bibliography, *International Journal of Legal Information*, 2007, Vol. 35 No.3.

Raihanah, Abdullah & Soraya, Khairuddin, The Malaysian Shari'ah Courts: Polygamy, divorce and the administration of justice, *Asian Women*, 2009, Vol. 25, No.1.

Reddy, Rita. Marriage and Divorce Regulation and Recognition in Malaysia. *Family Law Quarterly*, 1995, Vol. 29, no. 3.

Saw Swee-Hock, Population Trends and Patterns in Multiracial Malaysia. In Saw Swee-Hock and K. Kesavapany (eds.) *Malaysia: Recent Trends and Challenges*, Singapore, *Institute of Southeast Asian Studies*, 2006.

Sharifah Suhanah Syed Ahmad, Introduction to the Sources of Law in Malaysia, *International Journal of Legal Information*, 2012, Vol. 40, no. 1-2.

The Islamic Family Law (Federal Territories) Act 1984.

Vincent Lowe, Symbolic Communication in Malaysian Politics — The Case of the Sultanate, *Southeast Asian Journal of Social Scienc*, 1982, Vol. 10, No. 2.

Wain, Alexander, The Politicisation of Islam in Malaysia and Its Opponents, *ICR Journal*, 2021, vol. 12, no.1.

Wan Kamal Mujani & Wan Hamdi Hamdi Wan Sulaiman, Historical Development of the Federalism System in Malaysia: Prior to Independence, *Advances in Social Science, Education and Humanities Research (ASSEHR)*, 2016, Vol. 75.

Wan Norhasniah Wan Husina, Haslina Ibrahim, Religious Freedom, The Malaysian Constitution and Islam: A Critical Analysis, *Procedia - Social and Behavioral Sciences*, 2016: vol. 217.

Yusuf Abdul Azeez, Luqman Zakariyah, Syahirah, Abdul Shukor, & Ahmad Zaki Salleh, Codification of Islamic Family Law In Malaysia : The Contending Legal Intricacie, *Science Internaional (Lahore)*, 2016, vol. 28, no.2.

Zāyed, Ezzat, al-Mawsū‘ah al-thāfiyyah fī maḥw al-ummiyyah al- qānūniyyah, Cairo: al-Hay'ah al-Misriyyah al-‘Āmmah li al-Kitāb, 2006.