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FREE GIFT

Finding Peace in This Life

A short guide to marriage in Islam — from single life to married life, with one wife or more, in conflict and after it

وَمِنْ ءَايَٰتِهِۦٓ أَنْ خَلَقَ لَكُم مِّنْ أَنفُسِكُمْ أَزْوَٰجًا لِّتَسْكُنُوٓا۟ ...

English edition · 2026

Ar-Rum 30:21

Preface

This little book is a free gift from MYPolygyny (mypolygyny.com). Its title comes from Surah ar-Rum 30:21: Allah made spouses for us "so that you may find tranquillity in them" — sakinah. Sakinah (tranquillity), mawaddah (love) and rahmah (compassion) are the true measure of a home, not the number of wives.

It is written for anyone: those marrying for the first time, monogamous couples, those considering or living in polygyny, and those struggling with marital conflict. The chapters follow that journey — preparation and proposal, the marriage contract and married life, polygyny and its laws, through to conflict, divorce and prayer.

Each page summarises content from the MYPolygyny site, with evidence from the Qur'an and hadith as stated on the site. It is a short reference, not a fatwa and not legal advice. Laws and figures can change, and in Malaysia each state has its own enactments, courts, forms and fees. For binding decisions, consult the Islamic religious affairs office, a Syarie lawyer or the Syariah Court where you live.

May Allah grant tranquillity to every home that reads it.

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Each chapter opens with a verse of the Qur'an. Full references, evidence and more questions and answers at **mypolygyny.com**.

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CHAPTER 1

Getting Ready

Intention, knowledge, criteria, kafa'ah — before choosing anyone.

وَمِنْ ءَايَٰتِهِۦٓ أَنْ خَلَقَ لَكُم مِّنْ أَنفُسِكُمْ أَزْوَٰجًا لِّتَسْكُنُوٓا۟ إِلَيْهَا وَجَعَلَ
بَيْنَكُم مَّوَدَّةً وَرَحْمَةً ۚ إِنَّ فِى ذَٰلِكَ لَءَايَٰتٍ لِّقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾

"And among His signs is that He created for you wives from among yourselves, so that you may find tranquillity and live in harmony with them, and He placed between you love and compassion..."

Surah ar-Rum 30:21

Intention and ability

Marriage with a good intention becomes worship — even maintenance (nafkah) and kindness to one's spouse are rewarded. Intend it for Allah's sake: to guard one's chastity, follow the sunnah, build a Muslim family and raise righteous children. Love and a comfortable life are not wrong, so long as they are in line with the goals of the Hereafter.

The Prophet ﷺ linked the command to marry with ability (al-ba'ah): "O young men, whoever among you is able, let him marry" (Sahih al-Bukhari 5066, Sahih Muslim, Kitab an-Nikah). Able in terms of maintenance, physical health and responsibility.

- Knowledge — know a spouse's rights and duties.
- Emotions — able to control anger, compromise and apologise.
- Finances — able to provide basic maintenance, without crippling debt.
- Family — informed and involved from the start.
- Being ready isn't being perfect; it is being willing to learn and be responsible.

Qualities in a husband and a wife

Husband / family head

- Keeps his faith and prayer
- Responsible provider for the family
- Treats his wife well
- Genuine financial means
- Controls anger and tongue

Wife

- Faith comes first (Sahih al-Bukhari 5090)
- Keeps her husband's trust
- Willing to communicate
- Content with the halal
- Guards the home's honour and secrets

Both

- ✓ Patient, forgiving and open-hearted
- ✓ Honest — hides no debts or marital status
- ✓ Basic fiqh of family life
- ✓ Healthy and prepared: pre-marriage screening

What to learn before the contract

- ✓ Creed and fardu ain: tawhid, purification, prayer and fasting done right
- ✓ Women's fiqh: menses, postnatal bleeding, istihadah, ritual bath — husbands too
- ✓ Marriage fiqh: pillars and conditions, wali, mahr, maintenance, wife's rights
- ✓ Talaq, rujuk and ʿiddah — to be understood before marrying
- ✓ Maintenance: food, clothing, housing and medical care, according to means
- ✓ Raising children: faith and character at home
- ✓ Faraid, gifts (hibah) and wills — so every wife and child is protected
- ✓ State family law: registering the marriage and rights in court
- ✓ The Pre-Marriage Course is a start; keep learning at a mosque, surau or with an accredited teacher

Kafa'ah (compatibility) in brief

Meaning

A suitable match between man and woman so the marriage is stable and the family's dignity is preserved.

Faith comes first

All schools agree faith is part of kafa'ah; a sinful (fasiq) man is no match for a righteous woman.

Her right and the wali's

Not a condition of a valid nikah (majority); may be waived if she and her wali agree.

Not a caste excuse

Race, skin colour or status alone does not bar a marriage (49:13).

Wali refuses unjustly

A wali who rejects a compatible suitor without a Syariah reason is adhal; she may apply for a wali hakim.

Common questions

How do I know I am ready?

You are ready when you have the ability (al-ba'ah) in knowledge, emotions, physical health and finances. Ask yourself: Do I understand the rights and duties of husband and wife? Can I control my anger, compromise and apologise? Am I free of addiction or crippling debt? Has my family been informed? Readiness does not mean perfection; it means being willing to learn and take responsibility.

I want to marry but cannot afford it yet. What should I do?

Guard your chastity until Allah grants you sufficiency (an-Nur 24:33); the Prophet ﷺ recommended fasting as a shield. Set a savings goal, build your skills or income, attend a pre-marriage course early and talk to your family — sometimes they are willing to help, or a prospective spouse accepts a modest start. Avoid mixing and content that arouses desire (an-Nur 24:30).

02

CHAPTER 2

Khitbah and choosing

Propose with good manners, get to know each other honestly, decide with istikharah.

يَٰٓأَيُّهَا ٱلنَّاسُ إِنَّا خَلَقۡنَٰكُم مِّن ذَكَرٖ وَأُنثَىٰ وَجَعَلۡنَٰكُمۡ شُعُوبٗا وَقَبَآئِلَ
لِتَعَارَفُوٓاْۚ إِنَّ أَكۡرَمَكُمۡ عِندَ ٱللَّهِ أَتۡقَىٰكُمۡۚ إِنَّ ٱللَّهَ عَلِيمٌ خَبِيرٞ ﴿١٣﴾

"...Indeed, the most noble of you in the sight of Allah is the most God-conscious of you..."

Surah al-Hujurat 49:13

Khitbah: a promise, not a contract

Khitbah (proposal) is a man's wish to marry a particular woman, conveyed to her or to her wali. Once accepted, an engagement follows — a promise to marry. The four schools agree it is not a contract: an engaged couple remain strangers in law, with no maintenance, inheritance or marital relations.

The Shariah encourages seeing a prospective spouse before a formal proposal: "Go and look at her" (Sahih Muslim, Kitab an-Nikah). A woman also has the right to see the man proposing to her. In the Shafi'i school, what may be seen is the face and both palms — without being alone together, ideally with a mahram or family present.

- Do not propose to a woman who has accepted another man's proposal (Sahih al-Bukhari 5142).
- A woman in ʿiddah may not be openly proposed to (al-Baqarah 2:235).
- Enquiring, proposing and engagement are allowed if they do not breach Shariah.
- An engagement ring is custom, not sunnah; men may not wear gold rings.

While engaged

Permitted

- ✓ Discussing mahr, housing, finances and children
- ✓ Meeting in front of family or in a public place
- ✓ Discussing polygyny openly
- ✓ Involving the wali early

Forbidden

- ✗ Touching
- ✗ Being alone together in private (khalwat)
- ✗ Going out or travelling alone without a mahram
- ✗ Flirtatious or excessive conversation

Making the decision

1. **Check faith and character**
   Ask people who know the suitor about faith, character, health, finances and status.

2. **See the prospective spouse**
   Before a formal proposal, with a mahram or family, so that no one is offended.

3. **Involve the wali**
   The woman's wali should be involved early — he will conduct the nikah.

4. **Consultation (istisyarah)**
   Ask parents and trusted people for advice; those asked must answer honestly.

5. **Istikharah**
   Pray two rak'ahs and the istikharah du'a (Sahih al-Bukhari 1166), then trust Allah.

6. **Record the agreement**
   It is wise to put the engagement period and gifts in writing.

7. **Health screening**
   Most states require HIV and pre-marriage health screening before the nikah.

Honest ta'aruf

- ✓ State your real status from the start: single, divorced, married, number of children
- ✓ Ask about prayer, character and how they handle anger and conflict
- ✓ Discuss income, debts and dependants openly
- ✓ Health, including chronic or hereditary conditions
- ✓ Career, where to live, children and the wife's role at work
- ✓ Relationship with parents and in-laws
- ✓ Views on polygyny — discussed openly
- ✓ Warning signs: refusing to meet family, asking for money, insisting on secrecy
- ✓ Never send revealing photos or sensitive information — they can be misused

Common questions

Is it a sin to break off an engagement?

It is permitted, since an engagement is only a promise, but disliked (makruh) without good reason — Islam stresses keeping promises. If there is a valid reason, such as bad character, deception or a serious illness kept hidden, ending it is better than forcing an unhappy marriage. Do it with courtesy through family representatives. Any mahr paid in advance must be returned; gifts follow differences between schools and family agreements.

We are engaged. May we go out alone together?

You may not be alone together, as an engaged couple are still not mahram. The Prophet ﷺ said: "No man should be alone with a woman except with her mahram" (Sahih al-Bukhari 5233). For wedding matters, bring a mahram or meet in a public place. In Malaysia, khalwat is a Syariah criminal offence, and being engaged is no defence. If the engagement feels hard, consider bringing the nikah forward.

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CHAPTER 3

Akad nikah

Pillars, wali, witnesses, mahr, walimah, registration — valid and protected.

وَءَاتُواْ ٱلنِّسَآءَ صَدُقَٰتِهِنَّ نِحۡلَةٗۚ فَإِن طِبۡنَ لَكُمۡ عَن شَيۡءٖ مِّنۡهُ نَفۡسٗا فَكُلُوهُ هَنِيٓـٔٗا مَّرِيٓـٔٗا ﴿٤﴾

“And give the women their dower (mahr) as an obligatory gift (nihlah). Then if they willingly give you some of it, enjoy it as something pleasant and wholesome.”

Surah an-Nisa' 4:4

Five pillars of nikah — without one, it is invalid

The groom

Muslim, not a mahram, not in ihram, and marrying of his own free will.

The bride

Not another's wife or in another's ʿiddah, not a mahram, and clearly identified.

Wali

Wali by lineage, in order; a wali hakim if none, he refuses or is absent.

Two witnesses

Two just, sane, adult Muslim men who hear the words of the contract themselves.

Ijab and qabul

Words joined, clear, free of voiding conditions, and heard by the witnesses.

Wali, witnesses, wording

"There is no nikah without a wali" (Sunan Abu Dawud 2085). In the Shafi'i school, the order of walis begins with the father, the paternal grandfather, the full brother, the paternal half-brother and so on. A wali may delegate to an accredited marriage officer or imam. If a wali refuses without a Syariah reason (adhal), the woman may apply to the Syariah Court for a wali hakim.

The words need not be in one breath or in Arabic. They must be clear, continuous, matching and understood by wali, groom and witnesses.

- Example of acceptance: "I accept her marriage, [name], with her mahr of RM[amount] in cash."
- The woman's consent is confirmed before the contract; forced marriage goes against the sunnah (Sahih al-Bukhari 5136).
- A husband who is far away may appoint a proxy who is physically present.
- Mahr is not a pillar, but it is obligatory and wholly the wife's right.

Mahr and hantaran

Mahr (dower)

- ✓ Obligatory under Shariah (an-Nisa' 4:4)
- ✓ Belongs wholly to the wife, not her family
- ✓ Stated in the wording and recorded in the register
- ✓ Minimum set by the state religious authority
- ✓ Paid now or deferred; deferred mahr is the husband's debt

Hantaran / expenses money

- Custom — allowed, not required
- Usually for the bride's side's reception costs
- Negotiated between families; no Shariah amount
- Not stated in the contract
- Not a Syariah reason for a wali to reject a suitable suitor

Route A: first marriage

1. **Pre-marriage course**
   Do it early — the certificate is required and cannot be skipped. Courses often fill up.

2. **HIV screening test**
   Both bride and groom, at a government clinic, before submitting the forms.

3. **Religious office forms**
   District Islamic religious affairs office; forms vary by state and are signed by the wali.

4. **Submit application**
   Usually at the bride's district religious office, with supporting documents and fees.

5. **Permission to marry**
   Once approved, the date of the nikah can be set.

6. **The nikah**
   Wali, two male witnesses and an accredited marriage officer. Mahr is handed to the wife.

7. **Registration & certificate**
   Right after the nikah. Keep copies — without them, wife and child rights are hard to claim.

Walimah: announce it simply

"Hold a walimah, even with one sheep" (Sahih al-Bukhari 5167; Sahih Muslim, Kitab an-Nikah). Most scholars hold the walimah is a strongly recommended sunnah (sunat muakkad). It is not a condition of a valid nikah, but a way to announce the marriage, show gratitude and feed others. Its size depends on means; simple food is enough.

A simple gathering, inviting relatives, neighbours and the poor, already fulfils the sunnah. Money saved is better spent on the mahr, the home and family savings.

- Avoid waste and going into debt for the reception (al-Isra' 17:26–27).
- Mind aurat, mixing and guests' prayer times.
- Pray for the couple: "Barakallahu laka wa baraka 'alaika wa jama'a bainakuma fi khair" (Sunan Abu Dawud 2130).
- In polygyny, the new wife also has the right to have her marriage announced.

Common questions

If I stumble over the qabul, how often must I repeat it?

There is no limit. The contract is valid as soon as a correct acceptance, joined to the offer, is said once. A slip on a name, a wrong mahr amount or too long a pause may lead the witnesses or marriage officer to ask for a repeat, and that affects nothing. It need not be in one breath, only not interrupted by something else. Practising before the ceremony helps a lot.

Is a nikah by video call valid?

This is a contemporary area of disagreement. Many Shafi'i scholars require the wali, groom and witnesses to be physically in one sitting, so video contracts are not accepted by most religious offices in Malaysia. The solution agreed to be valid is for a distant wali or groom to appoint a proxy who is physically present. Always check with your state Islamic Religious Department before planning.

04

CHAPTER 4

A Peaceful Home

Rights and duties, maintenance, adab and open finances.

يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ لَا يَحِلُّ لَكُمۡ أَن تَرِثُواْ ٱلنِّسَآءَ كَرۡهٗاۖ وَلَا تَعۡضُلُوهُنَّ
لِتَذۡهَبُواْ بِبَعۡضِ مَآ ءَاتَيۡتُمُوهُنَّ إِلَّآ أَن يَأۡتِينَ بِفَٰحِشَةٖ مُّبَيِّنَةٖۚ وَعَاشِرُوهُنَّ
بِٱلۡمَعۡرُوفِۚ فَإِن كَرِهۡتُمُوهُنَّ فَعَسَىٰٓ أَن تَكۡرَهُواْ شَيۡـٔٗا وَيَجۡعَلَ ٱللَّهُ فِيهِ
خَيۡرٗا كَثِيرٗا ﴿١٩﴾

"...and live with them in kindness (ma'ruf). If you dislike them, (be patient), for it may be that you dislike something in which Allah has placed much good."

Surah an-Nisa' 4:19

Balanced rights, in kindness

"And they (wives) have rights similar to their obligations, according to what is fair (ma'ruf)" (al-Baqarah 2:228). Rights and duties go hand in hand. Ma'ruf means what is good by Shariah and by local custom that does not conflict with it.

The husband's leadership (qiwamah, an-Nisa' 4:34) rests on maintenance and protection — a trust, not lordship. Family decisions are made by consultation (al-Baqarah 2:233), and the Prophet ﷺ himself helped with household tasks (Sahih al-Bukhari 676).

- "The best of you are those who are best to their families" (Sunan at-Tirmidhi 3895).
- A wife's obedience is only in what is right; there is no obedience in sin (Sahih al-Bukhari 7257).
- Confining a wife or forbidding her to see her family is not a husband's right.
- A home that is feared is not a peaceful home.

Rights in the home

Wife's rights

- Mahr wholly the wife's
- Maintenance as he can afford
- Housing that gives privacy
- Kindness and religious learning
- Intimacy — "your wife has a right over you"

Husband's rights

- Obedience in what is right
- Guarding herself, her honour and home's secrets
- Guarding his property as a trust
- Not refusing intimacy without valid excuse

Shared rights

- ✓ Lawful intimacy
- ✓ Kind companionship (4:19)
- ✓ Mutual inheritance
- ✓ Lineage
- ✓ Covering faults (2:187)

Maintenance: a duty, not a gift

Material upkeep

Food, clothing, housing, medical care and reasonable daily needs.

Nafkah batin

The right to affection between spouses. Feelings are not required; actions are.

Starts at the nikah

Can be claimed in the Syariah Court — it does not depend on goodwill.

Not forfeited

A wife's maintenance is not lost because she works or has her own wealth.

Her wealth is hers

Her salary, mahr and inheritance are hers; what she contributes is charity, not a duty.

Child support

The father's responsibility; under state enactments usually until 18.

If maintenance is not paid

1. **Talk first**
   Most cases stem from hardship, not refusal.
2. **See a sulh officer**
   At the Syariah Court. Free, and many cases are settled at this stage.
3. **File a maintenance claim**
   At the Syariah Court. Bring proof: receipts, bank records, messages.
4. **Order enforced**
   Court orders can be enforced, including by salary deduction.

Transparent family finances

- ✓ Transparency: both spouses know the true financial position
- ✓ Emergency savings of three to six months of household spending
- ✓ Adequate life and medical takaful for all dependants
- ✓ Wills and hibah written in your lifetime, not put off
- ✓ Maintenance through clear, recorded channels — protects everyone
- ✓ Loans from the wife recorded as debt (al-Baqarah 2:282)
- ✓ Do not take on big debts for the reception or hantaran
- ✓ Keep a file: marriage and birth certificates, takaful policies, EPF nominations

Common questions

Whose is the wife's salary?

A wife's salary belongs wholly to her; she is not obliged to hand it to her husband or fund the household (an-Nisa' 4:32). Family maintenance remains the husband's duty even if the wife is richer. If she contributes willingly, it is rewarded charity. It is best to discuss openly and record large contributions such as house payments.

Must a wife cook and do housework?

In the Shafi'i school, housework is not a Shariah obligation on the wife, but a noble deed if done willingly. Fatimah r.a. did housework, and the Prophet ﷺ helped with his family's chores. Best of all is a fair division of tasks agreed by discussion.

Can a husband make his wife live with her in-laws?

No, if the wife does not get proper space and privacy. If the house provides her own room and facilities without harm, many scholars consider it sufficient. If stress or conflict arises, the wife has the right to ask for separate housing. Discuss it early, before marrying.

05

CHAPTER 5

Polygyny: rulings, conditions

Its permission and its conditions come in one breath.

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا۟ فِى ٱلْيَتَـٰمَىٰ فَٱنكِحُوا۟ مَا طَابَ لَكُم مِّنَ ٱلنِّسَآءِ
مَثْنَىٰ وَثُلَـٰثَ وَرُبَـٰعَ ۖ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا۟ فَوَٰحِدَةً أَوْ مَا مَلَكَتْ أَيْمَـٰنُكُمْ ۚ
ذَٰلِكَ أَدْنَىٰٓ أَلَّا تَعُولُوا۟ ﴿٣﴾

"...then marry whoever pleases you among other women: two, three or four. But if you fear you will not be just, then only one..."

Surah an-Nisa' 4:3

The verse that permits also limits

Polygyny is permissible (harus) — not obligatory, and not a sunnah required of every man. Its basis is Surah an-Nisa' 4:3: permitted up to four, and if you fear you cannot be just, only one. The very verse that permits it also limits it.

The same verse says one wife is "nearer to not doing injustice". Imam al-Khatib al-Syirbini said: "And it is recommended not to take more than one wife without an evident need."

- A limit of four wives at one time; a contract with a fifth wife is void.
- More than four was particular to the Prophet ﷺ (al-Ahzab 33:50), not for the ummah.
- A wife may object to her husband taking another wife, but cannot make it forbidden.
- The "golden umbrella" has no basis in the Qur'an or hadith — an invention (JHEAINS leaflet).

One act, four rulings

✅

Permissible — the default

The position of most scholars. Permitted, not required.

🌱

Recommended — real need

Unable to guard against zina, or the wife is ill or infertile while the husband wants children.

⚠️

Disliked — for pleasure

Merely for pleasure while the husband doubts he can be just.

⛔

Haram — sure of injustice

Sure he cannot be just through weakness, or bias that causes harm.

Two kinds of justice

Required — an-Nisa' 4:3

- ✓ Night rotation
- ✓ Each wife's maintenance
- ✓ Separate housing
- ✓ Outward treatment

Not required — 4:129

- Equal love and inclination of the heart
- Equal intimacy (majority)
- The same ringgit amount — what counts is rights fulfilled

Forbidden

- ✗ Leaning wholly to one so another is left "hanging"
- ✗ Comparing wives in front of them
- ✗ Cutting an existing wife's maintenance for a new wife

Conditions of polygyny in Islam

- ✓ No more than four wives at one time (an-Nisa' 4:3)
- ✓ Able to be just in matters within his control
- ✓ Able to maintain every wife and every dependant, not just the new one
- ✓ The woman is lawful to marry: not a mahram and not in ʿiddah
- ✓ Not marrying two sisters at once (an-Nisa' 4:23)
- ✓ Not marrying a woman together with her aunt (Sahih al-Bukhari 5109)
- ✓ If you fear injustice — only one
- ✓ In Malaysia: Syariah Court's written permission before the nikah

Common questions

Verse 4:3 orders justice, 4:129 says you cannot be just. Is polygyny forbidden?

No; the two verses refer to two kinds of justice. Verse 3 requires the justice that is achievable: rotation, maintenance and housing. Verse 129 denies the ability to be perfectly just in feelings, then continues: "so do not incline too much". In short: polygyny is permissible, outward justice is obligatory, and feelings need not be equal.

A husband loves one wife more. Is he sinning?

It is no sin if only the love in his heart is unequal, as feelings are beyond control. The sin is when those feelings turn into unjust actions (an-Nisa' 4:129). He must still keep rotation, maintenance and outward treatment equal, and should ideally hide that inclination to spare the other wives' feelings.

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CHAPTER 6

Polygyny in Malaysia and the region

Islam permits; the law regulates. The court comes first.

يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓا۟ أَطِيعُوا۟ ٱللَّهَ وَأَطِيعُوا۟ ٱلرَّسُولَ وَأُو۟لِى ٱلْأَمْرِ مِنكُمْ ۖ فَإِن
تَنَـٰزَعْتُمْ فِى شَىْءٍ فَرُدُّوهُ إِلَى ٱللَّهِ وَٱلرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِٱللَّهِ وَٱلْيَوْمِ
ٱلْـَٔاخِرِ ذَٰلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ﴿٥٩﴾

"O you who believe, obey Allah and obey the Messenger and those in authority (Ulil Amri) among you..."

Surah an-Nisa' 4:59

Four court conditions (s.23) — all of them, not just one

Just or necessary

For example infertility, physical infirmity or insanity of the existing wife.

Financial means

Able to support all wives and dependants, including those affected by the new marriage.

Ability to be just

Able to treat all wives equally according to Hukum Syarak.

No darar syarie

No harm to the existing wife: her faith, life, body, mind or property.

Route B: the court comes first

1. **Assess yourself honestly**
   Use the means calculator. If the numbers fall short today, they will not suffice after the nikah.

2. **Prepare financial papers**
   Payslips, bank statements, EPF, debts and dependants. Start early — this is the slowest part.

3. **Tell your existing wife**
   Not a legal requirement, but in most States she will be summoned (the Perlis text names the applicant only, and the Terengganu text does not mention this summons). Better she hears it from you first.

4. **File at the Syariah Court**
   Not at the religious office. The application is heard in the Syariah High Court (JKSM Practice Direction No. 14/2006).

5. **The hearing**
   The existing wife is heard; the judge weighs all four conditions.

6. **Permission order**
   If refused, the decision can be appealed under state Syariah court procedure.

7. **Then marry and register**
   Course, HIV test, forms, then the nikah with a wali and two witnesses — and register at once.

A shortcut that leads nowhere

Marrying without court permission is an offence. In the Federal Territories, Act 303 s.123 provides for a fine of up to RM1,000 or up to six months' prison, or both. Eleven States set the same maximum (s.124); Terengganu up to RM2,000 or one year (s.126), and Sarawak up to RM3,000 or two years (s.127). The marriage can usually still be registered after the court process and fine — but it begins with a record of an offence.

A border nikah does not get round the law; it only postpones the problem. Those who bear that delay are usually the wife and children.

- The first wife's consent is not a legal requirement, but "a strong additional fact" (JKSM).
- The wife's consent does not guarantee approval; the court still weighs means and justice.
- Syndicate marriages are risky: invalid wali, unaccredited officer, forged documents.
- Unregistered, claims for maintenance, harta sepencarian and faraid are hard.

The region and Middle East in brief

Permission first

- ✓ Malaysia — Syariah Court (s.23)
- ✓ Indonesia — Religious Court permission and the wife's consent (UU 1/1974)
- ✓ Singapore — Kadi inquiry through ROMM (AMLA s.96)
- ✓ Morocco — judicial permission

No prior permission

- Southern Thailand — no permission procedure, no penalty
- Saudi Arabia — no specific court permission
- Gulf states — registration, notifying the wife and contract conditions
- Egypt and Jordan — notice/registration; the wife may seek fasakh

Prohibited

- ✗ Tunisia
- ✗ Turkey
- ✗ Almost all Western countries (bigamy is a crime)

Official figures — Malaysia

1,609

polygynous marriages, 2023 (Peninsula + Sabah) — down ~47% from 3,064 (2019)

JKSM; The Straits Times, 20 Apr 2024

> 1/3

polygyny applications rejected by Syariah Courts, 2019–2023

The Straits Times, 20 Apr 2024

1,510

polygyny permission applications registered, Jan–Nov 2020 (1,063 resolved)

JKSM / Berita Harian, 2 Mar 2021

1,543

polygynous marriage confirmation/registration cases, 2020 (827 done)

JKSM / Berita Harian, 2 Mar 2021

~300

Malaysian couples marry in southern Thailand each month; ~60% involve polygyny

Malaysian Consulate in Songkhla; Malay Mail / Sinar Harian, 25 Feb 2024

RM1,000

maximum fine, or 6 months' prison, or both — polygyny without permission

s.123 Act 303

The disputes that most often arise after polygyny concern maintenance and rotation (JKSM). Regional figures cannot be compared directly — each country measures different things.

Common questions

Is my first wife's consent needed?

Under Shariah and Malaysian law, the first wife's consent is not a condition for a valid second marriage, but her views carry great weight. In most States, the court will summon the existing wife to be heard. A well-founded objection — for example evidence the husband cannot afford it or will cause harm (darar) — can lead to the application being refused. Being open with your wife from the start is the expected adab.

Can I marry in Thailand to avoid the process in Malaysia?

No. Muslim Malaysian citizens remain subject to the enactment of the state where they reside. If already married and you marry abroad without permission, you can be charged when applying for registration in Malaysia (for example Act 303 s.123). Border marriages also carry risks of syndicates, invalid walis and forged documents.

07

CHAPTER 7

Living in Polygyny

Rotation, two homes, co-wives, children and each wife's rights.

وَلَن تَسْتَطِيعُوٓاْ أَن تَعْدِلُواْ بَيْنَ ٱلنِّسَآءِ وَلَوْ حَرَصْتُمْ ۖ فَلَا تَمِيلُواْ كُلَّ ٱلْمَيْلِ
فَتَذَرُوهَا كَٱلْمُعَلَّقَةِ ۚ وَإِن تُصْلِحُواْ وَتَتَّقُواْ فَإِنَّ ٱللَّهَ كَانَ غَفُورًا رَّحِيمًا

﴿١٢٩﴾

"And you will never be able to be just between your wives, however much you wish to; so do not incline wholly (to the one you love) and leave the other as if hanging..."

Surah an-Nisa' 4:129

Rotation: justice you can count

Rotation (al-qasm) is the equal sharing of nights between wives — each wife's right, not a matter of discretion. What is equalised is time spent at night, not feelings. The basic unit is the night (the day for night workers); at least one night per wife, and more than three nights per round needs the consent of all wives (Shafi'i).

A new wife is entitled to seven nights if never married before, and three if previously married; after that, rotation returns to equal (Sahih al-Bukhari 5213; Sahih Muslim, Kitab ar-Radha').

- The order of rotation is set by drawing lots or by agreement.
- An ill, menstruating or postnatal wife keeps her right — the aim is togetherness.
- Taking one wife on a journey: draw lots (Sahih al-Bukhari 2593).
- Each wife has a right to her own home; she cannot be made to share with a co-wife.

Swapping and giving up turns

Permitted

- ✓ Swapping nights with both wives' consent
- ✓ Giving up a turn freely, as Sawdah r.a. did (Sahih al-Bukhari 5212)
- ✓ Rearranging the schedule with everyone's agreement

Not permitted

- ✗ Cutting one wife's turns unilaterally
- ✗ "Buying" turns with money
- ✗ Pressuring a wife to give up her right

Must be repaid

- Nights taken without permission
- Nights missed through the husband's negligence
- Nights at another wife's home in an emergency, unless given up

Husband's checklist: rotation and two homes

- ✓ Written, shared rotation schedule; order decided by drawing lots
- ✓ Record every change: who agreed, when, and how it is made up
- ✓ Ramadan, Hari Raya and school-holiday schedules set early in the year
- ✓ Draw lots for journeys, umrah and balik kampung
- ✓ Maintenance for each home through clear, recorded channels
- ✓ Emergency savings of three to six months for each household
- ✓ Takaful, wills and hibah — every marriage recorded
- ✓ No new debt to fund a second marriage
- ✓ Review the schedule every six months with all wives

Co-wives: manners and limits

Jealousy is natural

The Prophet's ﷺ wives felt jealousy too. That is forgiven; injustice, slander and plots are not.

Never ask for her divorce

"It is not lawful for a woman to ask for her sister's divorce" (Sahih al-Bukhari 5152).

Each to her own home

Do not enter a co-wife's home without permission; avoid calling the husband on her nights.

Husband: no gossip courier

Carrying one wife's words to another is forbidden (Sahih al-Bukhari 6056).

Social media

Avoid barbs, "show-off" photos and posts aimed at a co-wife.

Reconciliation is better

Talk, a trusted third party, counselling and sulh (an-Nisa' 4:128).

Rights of the existing wife and the new bride

Existing wife

- Summoned and heard by the court — a right, not a formality
- Maintenance, rotation and housing are not reduced
- Can seek a maintenance order in the same proceedings
- Can apply for fasakh if not treated justly

The new bride

✓ Look at the court order, not promises

✓ See the real figures: payslips, bank statements, debts

✓ Agree rotation and housing before the nikah

✓ Keep copies of everything

Warning signs

✗ Asked to keep the marriage secret

✗ Marrying abroad "to make it quick"

✗ Registration "can be sorted out later"

✗ Pushing for a quick decision

Children: no first-home or second-home children

Every child — from any wife — has the right to clear lineage, sufficient maintenance, education and a relationship with both parents. "Fear Allah and be just between your children" (Sahih al-Bukhari 2587; Sahih Muslim, Kitab al-Hibat).

Children will find out anyway — better from their own parents. Let the father tell them, in an age-appropriate way, while stressing what does not change: love, maintenance, home and school.

- Paternal half-siblings are mahram to one another.
- Faraid: a son gets twice a daughter's share, whoever the mother (an-Nisa' 4:11).
- Never make children messengers or spies between homes.
- The true measure of justice: children of both homes at ease together.

08

CHAPTER 8

Conflict and resolution

Communication, nushuz, hakam, sulh, counselling — and safety first.

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَٱبْعَثُوا۟ حَكَمًا مِّنْ أَهْلِهِۦ وَحَكَمًا مِّنْ أَهْلِهَآ إِن
يُرِيدَآ إِصْلَٰحًا يُوَفِّقِ ٱللَّهُ بَيْنَهُمَآ ۗ إِنَّ ٱللَّهَ كَانَ عَلِيمًا خَبِيرًا ﴿٣٥﴾

“And if you fear a breach between the two, appoint an arbiter (hakam) from his family and an arbiter from her family. If they both want reconciliation, Allah will bring about harmony between them…”

Surah an-Nisa' 4:35

Communication that saves

- ✓ Raise small things before they become big
- ✓ Do not act on the day it happens — calm down first
- ✓ When angry: say a'udzu billah, sit, be silent a while and make wudu
- ✓ Do not shun your spouse for more than three days; start with salam
- ✓ Talk in private — not in front of the children or on social media
- ✓ Never compare your spouse with others
- ✓ Never utter anything to do with talaq in anger
- ✓ Seek help early — far cheaper than repairing it in court

Nushuz can come from either spouse

Nushuz (marital defiance) is one spouse's refusal of the other's obligatory rights. A wife's nushuz — for example leaving home without permission and without a Syariah reason. A husband's nushuz — withholding maintenance, abandoning his wife without word, being harsh or unjust between wives (an-Nisa' 4:128). Not every disagreement is nushuz.

The steps in an-Nisa' 4:34 are in order: advice, then separation in bed. On "striking", the jurists set very strict limits, and many hold that leaving it is better. Aisha r.a. said the Messenger of Allah ﷺ never struck a wife (Sahih Muslim, Kitab al-Fadha'il).

- Verse 4:34 is not a licence for abuse.
- A wife who leaves home for fear of harm is not counted as nushuz.
- A defiant wife's maintenance lapses only if proven, and resumes when she returns to obedience.

Stages of resolution

1. **Just the two of you**
   Speak honestly, listen without interrupting, set a calm time.

2. **Counselling**
   The state Islamic Religious Department's family counselling unit (free) or an accredited counsellor.

3. **Family hakam**
   One representative from the husband's family and one from the wife's (an-Nisa' 4:35).

4. **Sulh at the Syariah Court**
   Chaired by a Sulh Officer. Confidential and quick; an agreement can become a court order.

5. **The hearing**
   If sulh fails: the court decides maintenance, taʿliq, fasakh, khulʿ or talaq.

Domestic violence: forbidden, and help exists

🚨

Danger now

Call the police on 999 or go to the nearest police station.

📞

Talian Kasih 15999

24 hours, or WhatsApp 019-261 5999.

🏥

One Stop Crisis Centre

Hospital Emergency Department — treatment and a record of injuries.

📄

Protection orders

EPO, IPO and PO under the Domestic Violence Act 1994.

🧠

Not only physical

Threats, confinement, constant insults and withholding money are also forbidden.

✅

Not nushuz

Seeking help is no sin. Your and your children's safety comes first.

Common questions

My husband hits me. What should I do?

Your safety comes first — domestic violence is forbidden and a crime. If you are in danger, call 999. For 24-hour support, Talian Kasih 15999. Get treatment at a government hospital emergency department (OSCC) and apply for a protection order under Act 521. Islam does not require a wife to endure abuse, and leaving home for safety is not nushuz.

What is sulh, and is it compulsory?

Sulh is mediation run by a Sulh Officer at the Syariah Court to reach agreement without a trial — common for maintenance, custody (hadhanah), mutʿah and harta sepencarian. An agreement can be recorded as a binding order. Its basis: "reconciliation is better" (4:128). It is not suitable where there is violence or fear — tell the officer if you are not safe.

09

CHAPTER 9

Divorce, ʿiddah and rujuk

A lawful way out — and rights that remain after it.

ٱلطَّلَٰقُ مَرَّتَانِ ۖ فَإِمۡسَاكُۢ بِمَعۡرُوفٍ أَوۡ تَسۡرِيحُۢ بِإِحۡسَٰنٖ ۗ وَلَا يَحِلُّ لَكُمۡ أَن
تَأۡخُذُواْ مِمَّآ ءَاتَيۡتُمُوهُنَّ شَيۡـًٔا إِلَّآ أَن يَخَافَآ أَلَّا يُقِيمَا حُدُودَ ٱللَّهِ ۖ فَإِنۡ
خِفۡتُمۡ أَلَّا يُقِيمَا حُدُودَ ٱللَّهِ فَلَا جُنَاحَ عَلَيۡهِمَا فِيمَا ٱفۡتَدَتۡ بِهِۦ ۗ تِلۡكَ
حُدُودُ ٱللَّهِ فَلَا تَعۡتَدُوهَا ۚ وَمَن يَتَعَدَّ حُدُودَ ٱللَّهِ فَأُوْلَٰٓئِكَ هُمُ ٱلظَّٰلِمُونَ

﴿٢٢٩﴾

“Divorce (that may be revoked) is twice; after that, either keep her on in kindness or release her with kindness…”

Surah al-Baqarah 2:229

Keep in kindness, or release with grace

Talaq is allowed as a last resort, not a first choice, and the Qur'an does not allow a marriage kept up to cause suffering. Talaq said in jest still takes effect: "nikah, talaq and taking back" — seriousness and jest in them both count as serious (Sunan Abi Dawud 2194).

In Malaysia, divorce applications are filed at the Syariah Court. Pronouncing talaq outside court without permission is an offence (Act 303 s.124); the talaq may still take effect, but must be reported at once so that it can be validated and registered.

- Explicit (sarih) wording takes effect even without intent; indirect (kinayah) only if intended.
- Talaq during menstruation (bid'i) is forbidden and sinful.
- Triple talaq in one utterance: disputed — the court decides.
- "If the two separate, Allah will provide for each of them" (an-Nisa' 4:130).

Types of talaq and effects

Raj'i

- ✓ First or second talaq after consummation
- ✓ He may take her back in ʿiddah without a new contract
- ✓ Wife entitled to maintenance and housing during ʿiddah

Ba'in sughra

- Talaq before consummation, khulʿ, or raj'i ʿiddah has ended
- No taking back
- May remarry with a new contract and mahr

Ba'in kubra

- ✗ Third talaq
- ✗ Lawful again only after she lawfully marries another, then divorces (2:230)
- ✗ Arranged "cina buta" (tahlil) marriage is forbidden

Four routes recognised by the court

🗣️

Talaq

Pronounced by the husband and registered at court.

📜

Taʿliq

A condition pronounced after the nikah; if broken, the wife can seek divorce.

⚖️

Fasakh

Dissolved by the court: e.g. no maintenance, harm, husband missing, unjust in polygyny.

🤝

Khulʿ (redemption)

The wife seeks divorce for payment, usually returning the mahr (Sahih al-Bukhari 5273).

ʿIddah and rujuk

- ✓ Divorced and still menstruating: 3 quru' (al-Baqarah 2:228)
- ✓ Divorced, not yet menstruating or past menopause: 3 months (at-Talaq 65:4)
- ✓ Pregnant: until birth (at-Talaq 65:4)
- ✓ Husband's death: 4 months 10 days (al-Baqarah 2:234), with ihdad
- ✓ Divorced before consummation: no ʿiddah (al-Ahzab 33:49)
- ✓ ʿIddah runs from the moment of talaq or death, not the registration date
- ✓ Rujuk only within the ʿiddah of a raj'i talaq, with clear words (Shafi'i)
- ✓ Report rujuk to the Registrar — a secret rujuk invites trouble
- ✓ ʿIddah ends without rujuk: remarrying needs a new contract and mahr

Rights after divorce

Divorce does not erase rights. In polygyny, divorcing one wife does not affect the marriage to the others, and the divorced wife's rights remain and can be claimed.

In Malaysia, a mother's right of custody (hadhanah) usually lasts until a son is 7 and a daughter 9, and the court can extend it; after that a child of discernment (mumayyiz) may choose, unless the court orders otherwise. Every decision rests on the child's welfare.

- ʿIddah maintenance — for a raj'i talaq's ʿiddah.
- Mutʿah (consolatory gift) — for a wife divorced without just cause.
- Harta sepencarian — a share of property acquired during the marriage.
- Custody (hadhanah) — mother first for young children.
- Child maintenance — remains the father's duty; access to children and maintenance are two separate matters.

Common questions

Is talaq by SMS or WhatsApp valid?

It can be valid if clear and intended, but must be confirmed by the court. In the Shafi'i school, written talaq counts as kinayah. The National Fatwa Committee Muzakarah (2003) ruled that talaq by SMS is valid if the wording is clear and can be proven. Keep the evidence and apply to have the divorce pronouncement confirmed.

I want a divorce but my husband refuses. What are my options?

A wife can apply to the Syariah Court through khulʿ (divorce by redemption), fasakh (for example no maintenance or ill-treatment) or taʿliq (if the husband breaches the taʿliq terms). The court usually goes through sulh and may appoint arbiters (hakam).

Husband said divorce in anger. Does it count?

Ordinary anger while still aware — the talaq takes effect. Anger that removes reason entirely — it does not. The middle level is disputed. The court weighs the circumstances, words and intention. Say nothing when angry; make wudu and leave the place first.

10

CHAPTER 10

Prayer and soul provisions

Istikharah, prayers for spouses, patience, gratitude — prayer goes with effort.

ٱلَّذِينَ ءَامَنُواْ وَتَطۡمَئِنُّ قُلُوبُهُم بِذِكۡرِ ٱللَّهِۗ أَلَا بِذِكۡرِ ٱللَّهِ تَطۡمَئِنُّ ٱلۡقُلُوبُ ﴿٢٨﴾

"(That is) those who believe and whose hearts find peace in the remembrance of Allah. Truly, in the remembrance of Allah do hearts find peace."

Surah ar-Ra'd 13:28

Istikharah prayer

1. **Make an effort first**
   Check the suitor's faith and character; seek the views of family and learned people (istisyarah).

2. **Pray two rak'ahs**
   A voluntary prayer intending istikharah, outside forbidden prayer times.

3. **Praise Allah, send blessings**
   After salam, praise Allah and bless the Prophet ﷺ.

4. **Recite the istikharah du'a**
   The du'a the Prophet ﷺ taught (Sahih al-Bukhari 1166); name your need at "hadzal-amr".

5. **Take sensible next steps**
   If eased, go ahead; if the way closes, accept it with contentment.

6. **Not waiting for a dream**
   The hadith mentions no dream. Repeat it if still unsure.

Prayers for every stage

For a spouse and children

Rabbana hab lana min azwajina wa dzurriyyatina qurrata a'yun… (al-Furqan 25:74).

For the newlyweds

Barakallahu laka, wa baraka 'alaika, wa jama'a bainakuma fi khair (Abu Dawud 2130).

First meeting with your wife

Holding the front of her head and asking for her good (Sunan Abi Dawud 2160).

When angry or jealous

A'udzu billahi minasy-syaitanir-rajim (Sahih al-Bukhari 3282).

Maintenance and debt burden

Allahumma inni a'udzu bika minal-hammi wal-hazan… (Sahih al-Bukhari 6369).

Asking for an open heart

Rabbisy-syrah li sadri, wa yassir li amri… (Taha 20:25–28).

When tested

Feeling sad, shocked or jealous when tested is not a sin. The sunnah teaches prayers that turn hardship into reward and hope — without asking anyone to pretend to be happy, and without denying the right to seek justice through lawful channels.

Prayer goes hand in hand with action: talking, getting counselling, and complaining to the Syariah Court or religious office if wronged.

- Umm Salamah's prayer: "Inna lillahi wa inna ilaihi raji'un. Allahumma'jurni fi musibati wa akhlif li khairan minha" (Sahih Muslim, Kitab al-Jana'iz).
- Words of trust: "Hasbunallahu wa ni'mal-wakil" (Ali 'Imran 3:173).
- The closing prayer of al-Baqarah (2:286): Allah burdens no soul beyond what it can bear.
- "And seek help through patience and prayer" (al-Baqarah 2:45).

Daily soul provisions

- ✓ Renew your intention throughout the marriage, not only at the nikah
- ✓ Pray in congregation at home; wake each other for night prayer (Abu Dawud 1308)
- ✓ Recite al-Furqan 25:74 together after prayer
- ✓ Qana'ah: content with halal provision, and grateful
- ✓ Patient, forgiving and open-hearted — small mistakes forgiven
- ✓ Remember Allah when anxious — hearts find peace (ar-Ra'd 13:28)
- ✓ Morning and evening prayers when pressed by maintenance and debt
- ✓ Prayer does not replace the duty of justice in maintenance, housing and rotation

Common questions

Is it a sin to feel jealous when he marries again?

No — jealousy is natural and no sin so long as it does not lead to unjust actions. The Prophet's ﷺ own wives felt jealousy, and he treated it gently (Sahih al-Bukhari 5225). Guard your actions: no backbiting, slander or cutting family ties. Tell your husband wisely, pray much and be patient, and seek counselling if the emotions are too heavy.

How do I know istikharah is answered? A dream?

No dream is required. The answer is usually seen in whether the matter is made easy or blocked. Carry on as normal: if things go smoothly and your heart is at peace, that is a good sign; if blocked, accept it with contentment (al-Baqarah 2:216). But do not use istikharah as an excuse to reject a good suitor without good reason.

Glossary (1)

- ✓ Akad nikah — offer and acceptance, the words that make a marriage valid
- ✓ Wali (guardian) — the one who marries off the bride; a wali hakim if none or he refuses
- ✓ Mahr (dower) — the husband's obligatory gift to the wife; wholly her right
- ✓ Hantaran — Malay custom, not a Shariah condition and not obligatory
- ✓ Material maintenance / intimacy — real needs / the right to marital affection
- ✓ Rotation of nights (qasm) — sharing nights between wives; must be just and countable
- ✓ Kafa'ah — compatibility (sekufu) of spouses; faith is the key element
- ✓ Khitbah — proposal; a promise to marry, not a contract
- ✓ Bikr / thayyib — never married / previously married
- ✓ Sakinah, mawaddah, rahmah — tranquillity, love, compassion (ar-Rum 30:21)

Glossary (2)

- ✓ ʿIddah — waiting period after divorce or the husband's death
- ✓ Rujuk — taking back a wife divorced by raj'i talaq during ʿiddah
- ✓ Darar syarie — harm to faith, life, body, mind or property
- ✓ Nushuz — a spouse's refusal of obligatory rights; can be husband or wife
- ✓ Sulh — mediation at the Syariah Court before a full hearing; free
- ✓ Hakam — arbiters from the husband's and the wife's families (an-Nisa' 4:35)
- ✓ Fasakh — dissolution of marriage by the court on the wife's application
- ✓ Taʿliq — a condition pronounced after the nikah; if broken, the wife can seek divorce
- ✓ Khulʿ — divorce by redemption; at the wife's request, for payment
- ✓ Harta sepencarian — jointly acquired matrimonial property

Helplines

🚨

Police — 999

Malaysia: if you or your children are in danger now.

📞

Talian Kasih — 15999

Malaysia, 24 hours; WhatsApp 019-261 5999. For urgent family safety cases.

🏥

One Stop Crisis Centre

Government hospital A&E — treatment and a record of injuries.

🕌

JAIN family counselling

State Islamic Religious Department counselling unit. Free.

⚖️

Sulh Officer

Syariah Court — mediation before a hearing. Free.

🇮🇩

Indonesia — SAPA 129

Helpline for readers in Indonesia.

Read more at mypolygyny.com

- ✓ mypolygyny.com/hukum — rulings on polygyny and common misconceptions
- ✓ mypolygyny.com/syarat — pillars of nikah and the four court conditions
- ✓ mypolygyny.com/panduan — steps to marriage, routes A and B
- ✓ mypolygyny.com/nafkah — maintenance and rotation
- ✓ mypolygyny.com/hak-wanita — before you say yes
- ✓ mypolygyny.com/perceraian — the lawful way out and rights after it
- ✓ mypolygyny.com/kaunseling — counselling and reconciliation
- ✓ mypolygyny.com/statistik — official figures, each with its source
- ✓ mypolygyny.com/doa-solat — prayers and salah for every stage
- ✓ mypolygyny.com/soal-jawab — 500 Q&As

CLOSING

Closing: the peace we seek

Sakinah does not come from numbers — one wife or more — but from knowledge, justice, honesty and patience kept up every day. Whoever cannot build peace in one home will not build it in two.

If you are preparing, begin with knowledge. If you are married, honour your spouse's rights. If you are being tested, seek help early — counselling and sulh are free. And if you are in danger, safety comes first: call 999 or Talian Kasih 15999.

We close with a Qur'anic prayer for the whole family — its wording is plural, "our spouses".

وَٱلَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَٰجِنَا وَذُرِّيَّٰتِنَا قُرَّةَ أَعْيُنٍ وَٱجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا ﴿٧٤﴾

“Our Lord, grant us from our spouses and our offspring the comfort of our eyes, and make us leaders of the God-conscious.”

Surah al-Furqan 25:74