



A LEGAL GUIDEBOOK

Unregistered and Overseas Marriages

Syndicate marriages, border marriages, marriages abroad, marriages that were never registered and polygyny without permission — the supposed benefits, the real risks to wife and children, and how to put things right

﴿ إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا ... ﴾

How to use this book

This book is written for anyone who is considering, has gone through, or is affected by a marriage that did not follow the official channels: syndicate marriage, marriage at the Thai border, marriage in another country, a valid marriage that was not registered, and polygyny without the court's permission.

Chapters 1 and 2 explain these forms of marriage and the difference between being valid in the eyes of the Shariah and being registered in the eyes of the law. Chapter 3 weighs the supposed benefits against the real costs. Chapters 4 to 8 explain the risks: offences and penalties, the effect on the wife and children, contracts made void by a wali or celebrant, and the rights of the existing wife. Chapters 9 and 10 show how to put things right and how to marry abroad properly. Chapter 11 contains checklists and questions and answers.

Islamic family law is state law. This book cites the Islamic Family Law (Federal Territories) Act 1984 [Act 303] as its reference, and points out state differences where the text has been checked. **The section numbers in your state may differ.** Every penalty mentioned is a maximum limit, not a fixed amount.

All the legal facts in this book are taken from texts that have been checked. The Terengganu text was read from an unofficial copy, and this is stated each time it is cited. For points that cannot be established from a primary source, please check the latest rule with the Syariah Court or your state Islamic religious office. For the law of other countries, check with the authorities of that country.

This book condemns no one. Its purpose is to protect wives and children, and to help those who have already gone ahead to put things right honestly. It is a general reference, not a fatwa and not legal advice. For your own situation, consult the advisory counter of the Syariah Court, your state Islamic religious office, the Legal Aid Department or a registered Syarie lawyer.

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Each chapter weighs the supposed benefits against the real risks, cites the relevant sections of the law, and shows how to put things right. Further reference at mypolygyny.com.

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CHAPTER 1

What is an unofficial marriage?

The five situations discussed in this book, the figures that exist, and why they all begin with the same question.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ ...

﴿٥٩﴾

"O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you..."

Surah an-Nisa' 4:59 · tr. Abdullah Yusuf Ali

Five situations in this book



Syndicate marriage

A marriage arranged through an agent, a celebrant or a “wali hakim” who is not accredited, inside the country or across a border, usually to avoid the wali’s consent, permission to marry or permission for polygyny.



Marriage at the Thai border

In southern Thailand, such as Songkhla, Satun, Pattani, Yala and Narathiwat, including border towns such as Golok. Some are valid and registered; some go through syndicates.



Marriage in another country

In Indonesia, Singapore, an Arab country or a Western country, often because the couple come from or live there, or while on umrah or studying.



A valid marriage that is not registered

The contract has all its pillars, but it was never registered in Malaysia, whether through neglect, not knowing, or deliberate secrecy.



Polygyny without permission

A husband who still has a wife marries again without the written permission of the Syariah Court, in Malaysia or anywhere else.



Not a marriage at all

Mut’ah marriage, or a time-limited “contract” marriage, is forbidden and void according to Ahl as-Sunnah. It cannot be put right by registration.

Three different questions

Every marriage in this book needs to be assessed with three questions, and the answers are not necessarily the same:

1. Is the contract valid in the eyes of the Shariah? Its pillars are complete: husband, wife, wali, two witnesses and offer and acceptance (ijab and qabul), with no impediment to the marriage.

2. Is it valid in the country where the contract was made? It was conducted by an authority recognised in that country and recorded there.

3. Is it registered or recognised in Malaysia? It was registered under the Islamic family law of the state where you reside.

A marriage that is valid in the eyes of the Shariah but not yet registered is not voided (Act 303 s.34). But without registration, every right of the wife and children must **first be proved** before it can be claimed. Conversely, registration cannot rescue a contract that is void, for example one made without a valid wali.

The figures that exist

~300

**Malaysian couples a month
marrying in southern Thailand**

Malaysian Consulate in Songkhla, reported
by Malay Mail, 25 Feb 2024

~60%

of them involving polygyny

Same source

1,617

**applications to validate and
register polygyny after the
marriage, Selangor 2019–2022**

Berita Harian (MAIS data), 7 Mar 2023

859

**applications for permission for
polygyny before the marriage,
Selangor, same period**

Same source

There are no official government statistics on how many Malaysians marry abroad. In Selangor, applications to validate polygyny **after** the marriage are nearly double the applications for permission made **before** the marriage.

The attitude of this book

This book does not encourage any secret or unregistered marriage, and neither does it condemn those who have already gone down that road. Many chose this path because of pressure, because they did not know, or because they trusted someone else's promises.

Each chapter honestly weighs the **supposed benefits** — the reasons people choose this path — against the **real risks** in law, in money and in religion, and their effect on the wife and children. The book then shows the right way to put each situation in order.

The ones who bear the most when a marriage is unofficial are the wife and children. So the advice in this book always asks: what protects them?

Frequently asked questions

Does Malaysian law forbid Muslims to marry abroad?

No. Two things are required: that the necessary permissions are obtained before the contract (for example permission for polygyny and the wali's consent), and that the marriage is registered afterwards within the prescribed period.

Is a nikah siri or an unregistered marriage valid?

A marriage that has all its pillars and conditions may be valid in the eyes of the Shariah, but not registering it exposes the wife and children to great risk and may be an offence. A marriage kept secret without a wali or witnesses is not valid. Apply at once for registration or confirmation of the marriage.

02

CHAPTER 2

Valid in the eyes of the Shariah, registered in the eyes of the law

The pillars of marriage decide whether a contract is valid or void; registration decides whether the rights are easy to prove. Both matter.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا تَدَايَنْتُمْ بِدِينٍ إِلَى أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ وَلْيَكْتُبَ
بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ ... ﴿٢٨٢﴾

"O ye who believe! When ye deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing; let a scribe write down faithfully as between the parties..."

Surah al-Baqarah 2:282 · tr. Abdullah Yusuf Ali

The pillars of marriage and the position of the wali

A marriage contract is valid in the eyes of the Shariah when its pillars are complete: **husband, wife, wali, two witnesses and offer and acceptance (ijab and qabul)**, and there is no impediment to the marriage (for example the woman is still another man's wife or is still in her idah).

The law follows this position. Act 303 s.13: a marriage is not recognised and not registered unless both parties consent, and either the woman's wali consents according to Hukum Syarak (Islamic law), or a Syarie Judge — after an inquiry in the presence of all parties — gives consent for the **wali Raja (the wali of the Ruler)** to solemnise the marriage. That consent may be given when there is no wali by lineage (wali nasab), the wali cannot be found, or the wali refuses without sufficient reason.

This means that if the wali refuses, the right course is to apply to the Syariah Court of your own state, not to look for a “wali hakim” across the border.

No marriage without a wali

لَا نِكَاحَ إِلَّا بِوَلِيٍّ

"There is no marriage except with a wali."

Sunan Abu Dawud 2085; Jami' at-Tirmidhi 1101; Sunan Ibn Majah 1881 — sahih

This hadith was narrated by Abu Musa al-Ash'ari (may Allah be pleased with him). Together with the hadith of Aisha (may Allah be pleased with her) (Sunan Abu Dawud 2083; Jami' at-Tirmidhi 1102), it is the basis of the view of the majority of scholars and of the Shafi'i school that a marriage without a valid wali is void.

Aisha's hadith also says: if there is a dispute, **the sultan (the ruler) is the wali of whoever has no wali**. This is the basis of the wali hakim or wali Raja — a wali appointed by the lawful authority in that place, not just anyone who offers himself.

Registration: proof, not a pillar

Act 303 s.25: the marriage of every person resident in the Federal Territories, including those living abroad, **must be registered**. The registration provision is s.25 in the eleven state enactments, s.23 in Sarawak, and s.24 in Terengganu (which requires registration within 21 days).

Registration is not one of the pillars of marriage in classical fiqh. It is a ruling by the government to safeguard rights, and obedience to the government in what is right is required (Surah an-Nisa' 4:59).

Act 303 s.34: registration or the lack of it **does not make valid** a marriage that is not valid, and **does not void** a marriage that is valid. But the court may make a divorce order and related orders only for a marriage that is registered or that was solemnised according to Hukum Syarak (s.45). So the first question in every claim is: **can the contract be proved?**

Three possible positions

Valid and registered

- ✓ A marriage certificate and a taklik certificate are issued (s.26)
- ✓ Maintenance, mut'ah, harta sepencarian and faraid can be claimed directly
- ✓ Children are registered with the father's name without difficulty

Valid but not yet registered

- The marriage is not voided (s.34)
- Every right must first be proved
- It can and must be registered; possibly with a penalty, a prosecution or a court order

Not valid (void)

- ✗ For example, without a valid wali, without two witnesses, or the woman is still in her idah
- ✗ Registration cannot make it valid
- ✗ The couple must separate; if they wish to be together, a new valid and registered contract

Frequently asked questions

We married but have not registered. If my husband pronounces talak, does it take effect?

If the contract is valid in the eyes of the Shariah, the talak takes effect even though the marriage has not been registered. But to protect the rights of the wife and children, both the marriage and the divorce need to be registered or confirmed by the Syariah Court.

My father refuses to be my wali without any clear reason. What are my options?

Apply to the Syariah Court of the state where you reside. Under Act 303 s.13(b) and the corresponding provisions in the states, a Syarie Judge may, after an inquiry, give consent for the wali Raja to solemnise your marriage.

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CHAPTER 3

Supposed benefits, real costs

Why people choose an unofficial marriage or a marriage abroad — and what is actually paid later.

وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ ۚ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَٰئِكَ
كَانَ عَنْهُ مُسْئُولًا ﴿٣٦﴾

"And pursue not that of which thou hast no knowledge; for every act of hearing, or of seeing or of (feeling in) the heart will be enquired into (on the Day of Reckoning)."

Surah al-Isra' 17:36 · tr. Abdullah Yusuf Ali

Understanding the reasons before judging

People do not choose a syndicate marriage or a border marriage without reasons. Some want speed, some want to save money, some fear their family's objection, and some husbands do not want their existing wife to know. Some of these reasons are understandable; some are unfair to others.

The following pages set each **supposed benefit** beside its **real cost**. That cost is rarely paid on the day of the contract. It usually arrives months or years later — when registering a child, when the husband leaves, or when the husband dies.

One pattern repeats in every pairing: the benefit is enjoyed by the husband at the start, while the risk is borne by the wife and children at the end.

Quick and cheap

Supposed benefit

- **Speed.** No pre-marriage course, no waiting period, the contract done in a day.
- **Low cost.** A border marriage package was reported at around RM1,200 in 2016 (BenarNews), cheaper than an ordinary ceremony.

Real cost

- ✗ Courses and procedures exist to check the wali, eligibility and permissions. Skipping them risks a defective contract.
- ✗ The costs come later: penalties for late registration, fines for offences, a lawyer for confirmation of the marriage, repeated trips to court, and sometimes a fresh contract.
- ✗ Syndicates charge without receipts; a certificate that was bought may be forged.

Secrecy and family objection

Supposed benefit

- **Privacy.** No ceremony, no announcement, no questions from those around you.
- **Avoiding family objection.** A father who disagrees cannot stop it; the couple “run off” to the border.

Real cost

- ✗ Running to the border merely because the father disagrees does not make the celebrant there a valid wali. The contract may be **void** (Chapter 7).
- ✗ The Prophet ﷺ encouraged marriage to be announced and a walimah held: “Hold a walimah, even with a single goat” (Sahih al-Bukhari 5155). A hidden relationship is easily taken for zina.
- ✗ A wife who is kept secret has no witnesses when she needs them.

Avoiding the court in polygyny

Supposed benefit

- **No hearing.** The existing wife is not summoned, the husband's income is not examined.
- **No risk of refusal.** The husband does not have to prove that he is able and can be just.

Real cost

- ✗ It is still an offence even if the contract is abroad: Act 303 s.123 says marrying "in any place".
- ✗ The marriage cannot be registered until the court is satisfied that it is valid and orders it, subject to s.123 (s.23(1A)). Usually the husband is prosecuted first.
- ✗ The existing wife's mas kahwin and gifts must be paid at once (s.23(7)).
- ✗ The second household begins in secrecy, and the first with a sense of betrayal.

When a marriage abroad is reasonable

Not every marriage abroad is a problem. It is reasonable when the partner is a foreign national, when one of them lives, works or studies abroad, or when the couple marry while on umrah. The contract is valid if its pillars and conditions are met, and it must still be **registered** in Malaysia.

There is also an official route: the contract may be conducted by a Registrar appointed at a Malaysian Embassy, High Commission or Consulate, if the country does not object (Act 303 s.24). A marriage of this kind is registered directly.

Malaysian law does not ask where you married. It asks two things: was permission obtained before the contract, and was the marriage registered afterwards. Chapter 10 explains how.

Frequently asked questions

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

A marriage in Thailand does not release you from the law of the state where you reside. A husband who marries again without permission may be prosecuted when he applies for registration (Act 303 s.123: a fine not exceeding RM1,000 or imprisonment not exceeding six months or both). Border marriages also carry the risk of syndicates, invalid walis and forged documents.

My husband asks me, the second wife, to keep our marriage secret. Should I agree?

Be careful. A marriage kept secret often leads to the neglect of the wife's and children's rights. If the husband refuses to register or to acknowledge you openly, that is a sign that he is not yet ready to be just. Consult the Islamic religious office to register the marriage.

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CHAPTER 4

Legal risks: offences and penalties

The offences connected with the contract, registration and polygyny — the correct section for each, and the limit of the penalty by state.

... وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ ^ط وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ ...



"Help ye one another in righteousness and piety, but help ye not one another in sin and rancour: fear Allah: for Allah is strict in punishment."

Surah al-Ma'idah 5:2 · tr. Abdullah Yusuf Ali

Reading the penalties correctly

Every penalty in this chapter is a **maximum limit**. The text of the law reads “a fine not exceeding ... or imprisonment not exceeding ... or both”. The court decides the actual penalty according to the facts of the case; the figure is not a fixed amount.

Penalties are imposed for **breaching procedure**, not because the marriage is necessarily invalid. After the offence case is concluded, a marriage that is valid in the eyes of the Shariah can usually be registered.

The penalties are often seen as light. According to the Official Report of the Selangor State Legislative Assembly (10 July 2024), only 2 of 193 cases of polygyny without permission in 2023 ended in a fine or imprisonment. Yet the other consequences remain real: a Syariah criminal record, the existing wife's mas kahwin that must be paid at once, and years of work proving the marriage.

Offences in Act 303

Contract and registration

- **s.35** — failing to appear before the Registrar to register a marriage abroad within the period in s.31: RM1,000 / 6 months / both
- **s.38** — a false iqrar (declaration) or statement to obtain a marriage: RM2,000 / 12 months / both
- **s.39** — solemnising a marriage without authority: RM1,000 / 6 months / both
- **s.40(1)** — knowingly solemnising a marriage without permission to marry (s.19) or without two trustworthy witnesses: RM1,000 / 6 months / both
- **s.40(2)** — marrying in contravention of Part II of the Act: RM1,000 / 6 months / both

Polygyny

- **s.123** — marrying again in any place without the prior written permission of the Court: RM1,000 / 6 months / both
- **s.128** — failing to give proper justice to wives according to Hukum Syarak: RM1,000 / 6 months / both
- **s.23(7)** — not a penalty, but a consequence: the existing wife's mas kahwin and gifts must be paid at once, and may be claimed as a debt

Registering a marriage abroad, by state



Federal Territories (Act 303)

Registration: s.31, six months.

Offence: s.35 — not exceeding
RM1,000 or 6 months or both.



The eleven states

Selangor, Johor, Kedah, Kelantan,
Melaka, Negeri Sembilan, Pahang,
Perak, Perlis, Penang, Sabah.

Registration: s.31, six months.

Offence: s.35 — not exceeding
RM1,000 or 6 months or both.



Sarawak (Ordinance 2001)

Registration: s.29, six months.

Offence: s.33 — not exceeding
RM1,000 or 6 months or both.



Terengganu (Enactment 2017)

Registration: s.29,

two months

after one of the parties first arrives
in Malaysia. Offence: s.32 — not
exceeding RM2,000 or 1 year or
both. The text was read from an
unofficial copy.

Polygyny without permission, by state



Federal Territories (Act 303)

Polygyny: s.23. Offence: s.123 — not exceeding RM1,000 or 6 months or both.



The eleven states

Polygyny: s.23. Offence: s.124 — not exceeding RM1,000 or 6 months or both. For Kelantan, the 2002 text is used; the new law passed by the State Legislative Assembly on 11 Nov 2025 has not yet been found in the Gazette.



Terengganu (Enactment 2017)

Polygyny: s.22. Offence: s.126 — not exceeding RM2,000 or 1 year or both. Unofficial copy.



Sarawak (Ordinance 2001)

Polygyny: s.21. Offence: s.127 — not exceeding RM3,000 or 2 years or both.

Who can be acted against

A husband who practises polygyny without permission — the offence under s.123 (states: s.124; Terengganu s.126; Sarawak s.127) applies to the man who marries again.

The celebrant and the syndicate — solemnising a marriage without authority (s.39) or without permission to marry or without two witnesses (s.40(1)). In Terengganu, solemnising a marriage without authority (s.36) carries a fine not exceeding RM5,000 or imprisonment not exceeding 3 years or both (unofficial copy). The limits in other states may differ; check your state enactment.

The couple themselves — marrying in contravention of Part II (s.40(2)), making a false declaration (s.38), or failing to register a marriage abroad (s.35).

A woman who was genuinely deceived about the man's marital status is in the position of a victim. For how the authorities assess her position, please check the latest rule with the Syariah Court or your state Islamic religious office. Keep the evidence of the deception.

Frequently asked questions

Why must the husband be fined first before a polygynous marriage in Thailand is registered?

Because a marriage without permission can only be registered after the court is satisfied that it is valid according to Hukum Syarak and orders its registration, subject to the offence section (Act 303 s.23(1A); Selangor s.23(2)). In practice, the husband is prosecuted first, then the marriage is registered if the contract is valid.

Where can I make a complaint about a husband who practises polygyny without permission?

To the Enforcement Division of the Islamic religious department of the state where the husband resides. Bring the information you have: the husband's name and identity card number, details of the new wife if known, the place and date of the marriage, and copies of documents. If there is a basis, the case is referred to the Syarie Prosecutor.

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CHAPTER 5

Risks to the wife

A marriage that cannot be proved, maintenance, idah and mut'ah, harta sepencarian and faraid — and the wife's position if her husband dies or leaves.

... وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ ۚ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا
وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ﴿١٩﴾

"...on the contrary live with them on a footing of kindness and equity. If ye take a dislike to them it may be that ye dislike a thing, and Allah brings about through it a great deal of good."

Surah an-Nisa' 4:19 · tr. Abdullah Yusuf Ali

The first problem: proving the marriage

A wife in an unregistered marriage is still a wife in the eyes of the Shariah if the contract is valid. The problem is **proof**. Without a Malaysian marriage certificate, every claim begins with the question: does this marriage exist and is it valid?

To answer it, the court needs the evidence of the wali, witnesses, the celebrant, the documents of the contract and proof of living together. The more time passes, the harder it becomes: witnesses move away or die, the agent disappears, and a certificate bought through a syndicate cannot be verified.

If the husband then denies the marriage, the wife faces the burden of proving something that was kept secret in the first place at her husband's own request.

Rights that are delayed until the marriage is confirmed



The wife's nafkah

The court may order maintenance for a wife or former wife (Act 303 s.59). The order and its enforcement, including deduction from salary, require a recognised marriage.



Idah maintenance

A former wife's right to maintenance under a court order continues until the idah ends (s.65(1)). Without proof of the marriage and the talak, this period often passes with no claim made.



Mut'ah

A consolatory gift for a wife divorced without proper cause (s.56). It depends on a recognised marriage and divorce.



Harta sepencarian

The court divides it when it allows a talak or orders a divorce (s.122), or when it gives permission for polygyny or orders registration (s.23(9)). All of these require a recognised marriage.



Mas kahwin

Deferred mas kahwin is a debt owed by the husband. Without an entry in the Marriage Register, the amount and date are hard to prove.



Faraid

A lawful wife has the right to inherit from her husband (Surah an-Nisa' 4:12), but her name will not be listed in the Faraid Certificate without proof of the marriage.

If the husband dies

This is the hardest moment for an unregistered wife. The key witness — the husband himself — is gone, and the other heirs may never have known of the marriage, or may deny it.

The step is to apply for **confirmation of the marriage** at the Syariah Court, with evidence such as the witnesses to the contract, the wali, the celebrant or the authority that conducted the marriage, a verified foreign marriage certificate, photographs and documents. Act 303 s.12(2) allows a marriage that is valid according to Hukum Syarak but did not follow procedure to be registered by court order. If it is confirmed, the wife and her children are recognised as heirs.

Do not wait. Estate matters have their own periods and procedures. Get advice from a Syariah lawyer or the Legal Aid Department as soon as possible.

If the husband leaves or pronounces talak without a record

In an unregistered marriage, the husband can leave his wife without going through the court, and the wife may not know whether she is still a wife, has been divorced, or is in her idah.

If the contract is valid, the talak takes effect even though it was not registered. But to claim idah maintenance, mut'ah, child maintenance and harta sepencarian, the wife needs to apply for **confirmation of the marriage** and then **confirmation of the pronouncement of talak** at the Syariah Court.

If the husband disappears and gives no maintenance, options such as fasakh or cerai taklik also need a marriage that can be proved. So the first step is still the same: register or confirm the marriage.

If you are in danger, call **999** or **Talian Kasih 15999** first. The paperwork can follow later.

Registered compared with not yet registered

Marriage registered in Malaysia

- ✓ The wife's status is fully recognised
- ✓ A maintenance claim can be filed and enforced
- ✓ Harta sepencarian can be claimed
- ✓ The position of the wife and children in faraid is clear
- ✓ Idah, mut'ah and hadhanah can be claimed
- ✓ If the husband dies, the rights of the wife and children are protected

Not yet registered

- ✗ Every right must first be proved in court
- ✗ A maintenance claim is delayed until the marriage is confirmed
- ✗ Harta sepencarian is very hard to claim
- ✗ Estate disputes are a common result
- ✗ Almost no protection after divorce until it is registered
- ✗ The wife may not be able to prove her marriage at all

Frequently asked questions

Can a wife whose marriage was not registered claim her husband's estate?

If the marriage is valid in the eyes of the Shariah, she has the right to inherit, but she must first prove the marriage by applying for confirmation of the marriage at the Syariah Court. This process is harder after the husband's death, and other heirs may dispute it.

I have just found out that my husband already had a wife when he married me without permission. What should I do?

Gather evidence that you were deceived, report it to the Islamic religious office, apply for confirmation of the marriage so that your maintenance rights and your children's rights are secured, and get advice from a Syariah lawyer. If you want to leave the marriage, discuss the fasakh option with a lawyer.

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CHAPTER 6

Risks to the children

Nasab (lineage), birth registration and the father's name, citizenship for children born abroad, maintenance and inheritance.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ ...



"O ye who believe! save yourselves and your families from a Fire whose fuel is Men and Stones..."

Surah at-Tahrim 66:6 · tr. Abdullah Yusuf Ali

Nasab is decided by the contract, not by a certificate

The basic rule of nasab is the saying of the Prophet ﷺ: “The child belongs to the bed (the marriage), and for the adulterer is the stone (no right)” (Sahih al-Bukhari 2053; Sahih Muslim, Book of Suckling (Kitab ar-Radha’)). A child born within a valid marriage is attributed to the husband.

Act 303 s.110: a child born more than six lunar months from the date of the marriage, or within four lunar years after the marriage is dissolved (the mother not having remarried), is attributed to that husband. The husband can deny the child only by li'an before the court.

The offence of not obtaining permission for polygyny, or of registering late, **does not make the child illegitimate**. If the contract itself is in doubt (for example a false wali), the status of nasab must be decided by the court. A child born in a marriage believed to be valid (nikah syubhah) is still attributed to the father according to the majority of scholars.

Birth registration and the father's name

The problem felt most quickly is documents. Without a recognised marriage certificate, registering the birth with the father's name can be delayed, and the birth certificate may not record the father's name. This affects school, the passport and the child's rights.

After the marriage is registered, the marriage certificate or a certified copy of the Marriage Register is used to register the birth, or to amend the father's details, at the National Registration Department (JPN).

The requirements, forms and periods of JPN for cases of late-registered marriages were not checked for this book. Please check the latest requirements with JPN before attending, and bring all the marriage documents and the child's birth documents.

Children born abroad

A child born abroad to a Malaysian father must be registered at the Malaysian Embassy or Consulate (usually within one year) to obtain citizenship by operation of law under the Federal Constitution, Second Schedule.

If the parents' marriage has not been registered, the father's name may not be recorded, and the child may be regarded as illegitimate for the purposes of citizenship until the marriage is confirmed.

The Constitutional amendment passed by the Dewan Rakyat in October 2024 will allow a Malaysian mother also to pass citizenship to a child born abroad. According to a Bernama report (14 Nov 2025), the amendment had not yet come into force at that time. Check its commencement date with JPN or the Malaysian mission in the country concerned.

For a child born in another country, citizenship in that country depends on that country's own law; check with the authorities of that country.

Maintenance, inheritance and the child's wali

Maintenance. A father's duty to support his children — shelter, clothing, food, medical care and education — does not lapse because the marriage was not registered (Act 303 s.72). But an order for child maintenance is easier to obtain once nasab and the marriage have been proved.

Inheritance. All children of lawful wives inherit from their father equally under faraid (Surah an-Nisa' 4:11), regardless of who their mother is. A child of an unregistered marriage has to prove nasab first, often when other heirs dispute it.

Wali for marriage. For a daughter, the father is her wali for marriage. If nasab cannot be proved, the question of the wali arises again in the next generation.

Half-siblings by the same father are mahram to one another and inherit from one another. Hiding one family from the other can cause far heavier problems for the children in later years.

Frequently asked questions

We entered a polygynous marriage in Thailand and did not register. How do I register the child with the father's name?

If the marriage is valid in the eyes of the Shariah, the child's nasab is still to the father, but registration requires proof of a recognised marriage. First confirm and register the marriage at the Syariah Court or the state Islamic religious office, which may involve a prosecution for polygyny without permission. Then use the marriage certificate to register or amend the father's details at JPN.

Is a child of a polygynous marriage made without permission an illegitimate child?

No, if the marriage is valid according to the Shariah. The offence of not obtaining the court's permission does not make the child illegitimate. If the validity of the marriage is in doubt, the court will decide in the confirmation process.

07

CHAPTER 7

Fake celebrants and wali without authority

The heaviest risk: the contract itself is void. How to recognise the warning signs and check before it is too late.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِن جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَن تُصِيبُوا قَوْمًا بِجَهَالَةٍ
فَتُصْبِحُوا عَلَىٰ مَا فَعَلْتُمْ نَادِمِينَ ﴿٦﴾

"O ye who believe! If a wicked person comes to you with any news, ascertain the truth, lest ye harm people unwittingly, and afterwards become full of repentance for what ye have done."

Surah al-Hujurat 49:6 · tr. Abdullah Yusuf Ali

When the contract itself is void

The other risks in this book can be put right by registration. This one cannot. If the **wali is not valid** or the **celebrant has no authority** to act as wali, the contract can be void, and registration cannot make it valid (Act 303 s.34).

In the Shafi'i school, a wali hakim may marry a woman only when the wali by lineage is absent, is absent at a distance of two marhalah or more, or refuses without a Shariah reason ('adhal) — and the refusal must be established.

Running to the border merely because the father disagrees does not make the celebrant there a valid wali.

A dispute about the wali is the main reason applications to register a marriage abroad are refused. The Syariah Court may refuse to confirm the contract, and the couple must separate. If they still wish to be together, they must hold a **new valid contract** and register it.

Marriage without the wali's permission

أَيُّمَا امْرَأَةٍ نَكَحَتْ بِغَيْرِ إِذْنِ مَوَالِيهَا فَنِكَاحُهَا بَاطِلٌ ... فَإِنْ دَخَلَ بِهَا فَالْمَهْرُ
لَهَا بِمَا أَصَابَ مِنْهَا فَإِنْ تَشَاجَرُوا فَالسُّلْطَانُ وَلِيُّ مَنْ لَا وَلِيَ لَهُ

"Any woman who marries without the permission of her guardians, her marriage is void ... If the husband has consummated it, then the mahr is hers for what he has had of her. If they dispute, then the sultan is the wali of whoever has no wali."

Sunan Abu Dawud 2083; Jami' at-Tirmidhi 1102 — sahih

This hadith of Aisha (may Allah be pleased with her) holds three lessons for this book: a marriage without a valid wali is void; the woman is still entitled to the mahr if intercourse has taken place, so that she is not wronged; and the wali of one who has none is **the lawful ruler**, not a paid agent.

Warning signs of a syndicate marriage

- ✓ The agent refuses to give the celebrant's name, accreditation or address
- ✓ There is no record of the celebrant or the marriage at the Islamic Religious Council of that province
- ✓ A "wali hakim" is used while the father is alive, can be contacted and has not lawfully refused
- ✓ The witnesses are supplied by the agent and are not known to the couple
- ✓ Promises of an "express marriage" or a "marriage without court", with high charges and no receipt
- ✓ Being taken in through an illegal border route, without a passport stamp (the illegal route into Narathiwat was reported to be closed from 1 Dec 2024, Free Malaysia Today, 15 Jan 2025)
- ✓ Being asked to sign documents in a language you do not understand
- ✓ A man who already has a wife says "marry first, register later"

Checking before the contract

1

Check the wali first

If your father refuses, apply to the Syariah Court of your own state for consent for the wali Raja (Act 303 s.13(b)). The process is longer but the contract is safe.

2

Check the celebrant

In Thailand, only a marriage conducted by an accredited celebrant under the Islamic Religious Council of that province is accepted for registration.

3

Check the certificate

A Thai marriage certificate is usually verified at the Consulate General of Malaysia in Songkhla or the Malaysian Embassy in Bangkok. An officer of your state Islamic religious office can tell you whether a source has had problems before.

4

Check the permission

If the man already has a wife, ask him to show the written permission of the Syariah Court before the contract.

5

If in doubt, stop

Do not go ahead. Get advice from the Islamic religious office or a Syariah lawyer first.

Frequently asked questions

A marriage using a wali hakim in Thailand — valid or not?

Valid only if the wali by lineage is absent, refuses without a Shariah reason, or is beyond two marhalah according to the Shafi'i school, and the wali hakim was appointed by a lawful authority. If the father is alive and can be contacted, the contract risks being doubted. The Syariah Court may refuse to confirm it, and the couple may have to contract again.

I was married through a syndicate. What should I do?

Do not keep it secret any longer. Get advice from the Islamic religious office on confirmation of the marriage or tajdid nikah (a fresh contract). Report the syndicate to the state Islamic religious office or the police. Act 303 s.39 and s.40 make a contract without authority and a contract without permission offences.

08

CHAPTER 8

Polygyny without permission and the existing wife's rights

What the law and the court say, the protections the first wife loses, the rights she still has, and the way of correction for the husband.

... فَأَنْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلثَ وَرُبْعَ ^ط فَإِنْ خِفْتُمْ
أَلَّا تَعْدِلُوا فَوَاحِدَةً ... ﴿٣﴾

"...Marry women of your choice, Two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one..."

Surah an-Nisa' 4:3 · tr. Abdullah Yusuf Ali

What the law says

Act 303 s.23(1): a man who still has a wife may not marry again except with the **prior written permission of the Court**. Under s.23(2), this prohibition applies also to a marriage outside the Federal Territories by a man resident there. The offence, s.123, speaks of marrying “in any place”.

A marriage without permission cannot be registered unless the Court is satisfied that it is valid according to Hukum Syarak and orders its registration, subject to s.123 (s.23(1A)). In practice, the husband is prosecuted and fined first, then the marriage is registered if the contract is valid.

Polygyny cases under section 23 are heard in the Syariah High Court (JKSM Practice Direction No. 14 of 2006, in force from 1 June 2006). State provisions: s.23 in eleven enactments, s.22 in Terengganu and s.21 in Sarawak.

The protections the existing wife loses

In an ordinary polygyny application, the court **must summon** the existing wife or wives (s.23(4)), and a copy of the application and the husband's iqrar is served on her with the summons (s.23(5)). She may examine the husband's income, give evidence about maintenance and the effect on the family, and appeal (s.23(6)).

The court must also be satisfied that the marriage is proper or necessary, that the husband can support all his wives and dependants, that he can be just, and that the marriage will not cause *darar syarie* (harm in the Shariah sense) to the existing wife (s.23(4)(a)–(d)).

The court that gives permission has power to order **maintenance for the existing wife** and the **division of harta sepencarian** (s.23(9)), as well as child maintenance (s.73(1)(e)).

When a husband marries without permission, all of these protections are bypassed. An order under s.23(9) can only be applied for later, when the court orders the marriage to be registered.

The existing wife's rights that remain



Mas kahwin and gifts

Must be paid at once in full; if not, they may be claimed as a debt (s.23(7)).



Nafkah and turns

The right to maintenance and fair treatment remains. Maintenance can be applied for in court (s.59) and child maintenance (s.73).



Complaint

To the Enforcement Division of the state Islamic religious department about the offence of polygyny without permission.



Fasakh

If the husband does not treat her justly according to Hukum Syarak (s.52(1)(h)(vi)).



Cerai taklik

If a condition in the taklik certificate is breached.



Harta sepencarian

When the court orders registration (s.23(9)) or when a divorce takes place (s.122).

Fiqh and the court: two different questions

From the standpoint of fiqh, a contract that has all its pillars and conditions is valid even if the first wife was not informed. Dr Zulkifli al-Bakri (2024) and the Mufti of Perlis (2023) stress that the wife's permission is not a condition of a valid marriage.

But valid does not mean free of sin. Deception, harm and neglect of a wife's rights remain forbidden. Allah says: "Ye are never able to be fair and just as between women, even if it is your ardent desire: But turn not away (from a woman) altogether, so as to leave her (as it were) hanging (in the air)" (Surah an-Nisa' 4:129).

The court also assesses two things separately: whether the contract is valid (for the purpose of registration), and whether an offence has been committed (for the purpose of prosecution). A valid marriage can be registered, but the offence is still dealt with.

For the husband: putting it right

1

Stop the secrecy

Tell the existing wife in the least hurtful way, preferably with the help of a counsellor.

2

Gather the contract documents

The foreign marriage certificate or letter, details of the wali and witnesses, and confirmation from the Islamic Religious Council and the Malaysian mission if the marriage took place in Thailand.

3

File for confirmation and registration

At the Syariah Court of your state (s.23(1A), s.12(2)). The court decides whether the contract is valid.

4

Face the prosecution

Under s.123 or the equivalent section of your state. Admitting and cooperating is usually better than continuing to hide.

5

Fulfil the rights

Pay the existing wife's mas kahwin and gifts (s.23(7)); arrange the maintenance and turns of each family in writing.

Frequently asked questions

Is a polygynous marriage made without the court's permission valid?

In the eyes of the Shariah, it can be valid if all the pillars and conditions are met. In law, it is an offence and cannot be registered in the ordinary way; the court must be satisfied that it is valid and order its registration (Act 303 s.23(1A)). If the wali or celebrant is not valid, the marriage may be void.

For a prospective second wife: he invites me to marry "in Thailand first, register later". What should I do?

That is a warning. A valid and registered marriage is the main protection for you and your child. Ask him to apply for the court's permission first. A man who is able to be just is also able to be open.

09

CHAPTER 9

Putting it right: registration, confirmation and documents

Registration periods, late registration, court confirmation of the marriage, the documents to gather, registering the child's birth and where to go.

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوِّمِينَ بِالْقِسْطِ شُهَدَاءَ لِلّٰهِ وَلَوْ عَلَىٰ أَنْفُسِكُمْ﴾

﴿١٣٥﴾ ...

"O ye who believe! stand out firmly for justice, as witnesses to Allah, even as against yourselves..."

Surah an-Nisa' 4:135 · tr. Abdullah Yusuf Ali

Marriage abroad: register within the period

1

Abroad, within six months

A resident who marries validly according to Hukum Syarak abroad must appear before a Registrar abroad (usually at an embassy or consulate) within six months after the date of the marriage (Act 303 s.31(1)).

2

Returning before registration

Register within six months after one of them first arrives, before any Registrar, with the marriage certificate or other proof that the contract took place, and sign an iqrar in the prescribed form (s.31(2)).

3

The period in other states

Six months also in s.31 of the eleven state enactments and s.29 of the Sarawak Ordinance 2001. Terengganu:

two months

after one of the parties first arrives in Malaysia (s.29 of the 2017 Enactment, according to an unofficial copy).

4

One party may attend alone

The Registrar may excuse the attendance of one of the parties if there is good and sufficient reason (s.31(3)). The wife may begin registration even if the husband is evasive.

5

After registration

A certified copy of the entry in the Marriage Register is given to the husband and to the wife (s.31(4)). Keep your own copy.

Late registration and confirmation of the marriage

Missed the deadline to register a marriage abroad? Registration can still be made on application to the Registrar on payment of the prescribed penalty (s.31(5)). Failing to appear within the period is still an offence (s.35).

A valid marriage that was never registered. The parties may apply at any time to the Registrar to register it; the Registrar may require them to attend and produce evidence, and will not register a marriage that is void (s.33).

A marriage that breached procedure. A marriage solemnised in contravention of Part II but valid according to Hukum Syarak may be registered by **court order** (s.12(2)); for polygyny without permission, s.23(1A).

Confirmation of the marriage is the process by which the Syariah Court decides whether the marriage is valid according to Hukum Syarak. The court examines the evidence of the wali, the celebrant, the witnesses, the ijab and qabul and the mahr. If it is valid, an order for registration is issued. If it is not valid, the couple must separate and, if they wish, contract again according to procedure. Related offences are dealt with separately.

Documents to gather

- ✓ The original marriage certificate from the religious authority of the country where the contract took place, and verification by the Malaysian Embassy or Consulate if available
- ✓ Certified translations of certificates in Thai, Arabic or another language
- ✓ The passports of both parties with entry and exit stamps, and identity cards
- ✓ The name and accreditation of the celebrant; the names and details of the wali and the two witnesses
- ✓ Proof of the mas kahwin, photographs of the contract ceremony, and proof of living together
- ✓ The divorce certificate or death certificate of a previous spouse, if relevant
- ✓ The Syariah Court's letter of permission for polygyny, if any
- ✓ The children's birth certificates, if any
- ✓ The actual list is determined by the Islamic religious office or the court. Please check the latest rule with the Syariah Court or your state Islamic religious office before attending.

Registering the child's birth

1

Register the marriage first

Registering a birth with the father's name requires proof of a recognised marriage. Complete the registration or confirmation of the marriage first.

2

Obtain a certified copy

The marriage certificate or a certified copy of the Marriage Register (s.31(4)) is the main document for JPN.

3

Attend JPN

Apply for birth registration, or an amendment of the father's details if the birth was already registered without the father's name. Please check the latest requirements, forms and documents with JPN before attending.

4

A child born abroad

Register the birth at the Malaysian Embassy or Consulate (usually within one year) so that the child's citizenship is recorded.

5

Update other records

After that, update the child's school, medical and insurance records.

Where to go



District Islamic religious office

Registration of a marriage abroad and late registration. The officer will decide whether it can be registered directly or must be referred to the court.



State Syariah Court

Confirmation of the marriage, orders for registration, confirmation of the pronouncement of talak, maintenance and harta sepencarian. Start at the advisory counter.



Enforcement Division of the state Islamic religious department

Complaints about polygyny without permission and marriage syndicates.



National Registration Department (JPN)

Registration of a child's birth and amendment of the father's details.
jpn.gov.my



Malaysian Embassy or Consulate

Registration of marriage and birth abroad; verification of the marriage certificate (for example the Consulate General of Malaysia in Songkhla).



Legal Aid Department

Legal aid for those who qualify. Talian Kasih 15999 and 999 for emergencies.

If the husband refuses to cooperate

The wife does not need to wait for her husband. She may attend the Islamic religious office herself to begin registering a marriage abroad, because the Registrar may excuse the attendance of one party if there is good reason (s.31(3)).

The wife may also apply by herself for confirmation of the marriage at the Syariah Court. The court will summon the husband, the wali and the witnesses. Legal aid is available through the Legal Aid Department for those who qualify, and the advisory counter of the Syariah Court can explain the first step.

In the meantime, keep all the evidence: messages, photographs of the marriage certificate, records of maintenance transfers, photographs of the ceremony, and the names of those present at the contract. Your rights are not lost because the marriage has not been registered — they simply need to be proved first.

Frequently asked questions

Within what period must a marriage abroad be registered in Malaysia?

Six months in the Federal Territories (Act 303 s.31), the eleven states (s.31) and Sarawak (s.29). In Terengganu, two months after first arriving in Malaysia (s.29, unofficial copy). If you have missed it, go to the district Islamic religious office at once; late registration can still be made with a penalty.

My husband died before our polygynous marriage was registered. What is the position of myself and my child?

Apply for confirmation of the marriage at the Syariah Court with evidence of a valid contract. If it is confirmed, you and your children are recognised as heirs. Expect that other heirs may dispute it; get a Syarie lawyer at once.

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CHAPTER 10

Marrying abroad the right way

A contract at an embassy, a contract in another country and registration in Malaysia, recognition in the country where you live, and the documents to be authenticated.

وَمِنْ ءَايَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ
بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾

"And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect."

Surah ar-Rum 30:21 · tr. Abdullah Yusuf Ali

The first route: a contract at a Malaysian embassy

Act 303 s.24: a marriage may be solemnised according to Hukum Syarak by an appointed Registrar at a **Malaysian Embassy, High Commission or Consulate** in any country that has not notified the Government of Malaysia of its objection.

Before solemnising, the Registrar must be satisfied that at least one party is resident in the Federal Territories, that both parties are capable of marrying according to Hukum Syarak and the Act, and — if one is not a resident — that the marriage will be regarded as valid in the place where that person resides (s.24(2)).

The procedure is the same as for a marriage in the Federal Territories (s.24(3)), and the marriage is **registered directly**. State enactments have corresponding provisions. To find out whether the Malaysian mission in your country offers this service, contact that mission.

The second route: a contract in that country, then register

Before the contract. Obtain all the necessary permissions in Malaysia: permission to marry (Act 303 s.19), the wali's consent or an order for the wali Raja (s.13), and — for a man who already has a wife — the written permission of the Syariah Court (s.23).

At the contract. Use the official celebrant and religious office of that country, not an agent. Make sure the wali and the two witnesses meet the conditions. Make sure the route into that country is lawful and the passport is stamped.

After the contract. Obtain the original marriage certificate, have it verified at the Malaysian Embassy or Consulate if required, and register the marriage within the prescribed period (Chapter 9).

For the marriage law of that country itself — the conditions, the documents, and whether foreigners may marry there — check with the authorities of that country.

Recognition in the country where you live

Most countries apply the rule that a marriage is valid in form if it is valid in the place where it was contracted. But capacity to marry — age, existing marital status, mahram relationship — is often tested according to the law of the domicile or nationality of the parties.

As a result, a registered monogamous marriage is usually recognised anywhere. A **polygynous** marriage may not be recognised, or may be recognised for limited purposes only, in the United Kingdom, Europe, the United States, Canada and Australia. A spouse visa is usually for one wife only.

Declaring only one wife to the immigration authorities while hiding another can be treated as fraud. If you will be settling in another country, check with the authorities of that country whether your marriage is recognised and whether a spouse visa can be applied for.

Remember the three different questions: valid in the eyes of the Shariah, valid in the country of the contract, and recognised in the country where you live.

Documents: legalisation and translation

A foreign marriage certificate must be proved genuine before it is accepted by the authorities of another country.

Apostille. For member states of the 1961 Hague Apostille Convention, a single apostille stamp from the authority of the country of origin is enough. Malaysia is not a party to this convention: Malaysia is not in the HCCH's official status table (updated 30 June 2026).

Chain legalisation. The certificate is authenticated by the foreign ministry of the country of origin, then by the embassy or consulate of the destination country. In Malaysia, document authentication is done by Wisma Putra (the Ministry of Foreign Affairs).

Certified translation. Certificates in Thai, Arabic, Urdu and other languages must be translated by an accredited translator.

Keep copies of all documents in a safe place, and give one complete copy to the wife.

Checklist before marrying abroad

- ✓ What is the real reason? If it is to avoid the wali or permission for polygyny, consult the Syariah Court of your own state first
- ✓ If you are a married man: has the court's written permission been obtained?
- ✓ Who is the wali? If a wali hakim, are the conditions truly met and was he appointed by a lawful authority?
- ✓ Is the celebrant accredited by the local Islamic religious council? Can his certificate be verified by the Malaysian mission?
- ✓ Is the route into the country lawful (passport and immigration stamp)?
- ✓ Can the contract be made at a Malaysian Embassy or Consulate (Act 303 s.24)?
- ✓ Have you noted the deadline for registration in Malaysia (six months; Terengganu two months after returning)?
- ✓ If you will be settling in another country: is this marriage recognised there?

Frequently asked questions

I am a Malaysian working abroad. Do I need permission for polygyny?

Yes, if you reside in Malaysia. Act 303 s.23(2) applies the prohibition to a marriage outside the Federal Territories by a man resident there, and the state enactments have corresponding provisions. Please check the latest rule with the Syariah Court or your state Islamic religious office about your position as a resident.

How do I know that a Thai marriage certificate is genuine?

The safest way is through the Consulate General of Malaysia in Songkhla and your state Islamic religious office. A genuine certificate is issued by the Islamic Religious Council of the province in Thailand. If in doubt, do not go ahead and get advice from the religious office first.

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CHAPTER 11

Decision checklists and questions and answers

Questions to ask before deciding, steps for those who have already gone ahead, and answers to the questions most often asked.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا ﴿٧٠﴾

"O ye who believe! Fear Allah, and (always) say a word directed to the Right:."

Surah al-Ahzab 33:70 · tr. Abdullah Yusuf Ali

Before making a decision

- ✓ Why am I choosing this path? Will the reason look just as reasonable five years from now?
- ✓ Who will bear the risk if things change — me, my partner, or an unborn child?
- ✓ Is my wali valid, and is the celebrant accredited?
- ✓ If the man already has a wife: is he willing to apply for the court's permission and be open with his wife?
- ✓ Can I prove this marriage if my husband dies tomorrow?
- ✓ Do I know the deadline for registration, and who will take care of it?
- ✓ Is there a safer official route: the court of my own state, a Malaysian embassy, or a little more patience?

If you are already married but not registered

- ✓ Do not wait any longer. Every month adds to the difficulty of proof, especially if a child has been born
- ✓ Gather the documents and evidence (Chapter 9)
- ✓ Go to the district Islamic religious office in the state where you reside
- ✓ Be prepared for a late-registration penalty or a prosecution, and face it honestly
- ✓ If the contract is in doubt, get advice on confirmation or a fresh contract
- ✓ After registration, register the child's birth and update records
- ✓ The wife can begin all of these steps herself

If you are a wife who has just found out

- ✓ Put the safety of yourself and your children first. If there is a threat, call 999 or Talian Kasih 15999
- ✓ Do not act in anger; you have the right to ask for time
- ✓ Keep evidence such as messages, photographs of the marriage certificate and bank statements, without breaking the law
- ✓ Know your rights: mas kahwin and gifts (s.23(7)), maintenance and turns, fasakh (s.52(1)(h)(vi)), cerai taklik, harta sepencarian
- ✓ Get advice from the Legal Aid Department, the advisory counter of the Syariah Court or a Syarie lawyer
- ✓ Explain to the children according to their age, and do not make them messengers
- ✓ Choosing to stay is also a valid choice; if you stay, ask for the marriage to be registered and for maintenance and turns to be set in writing

Questions and answers (1)

Is a marriage in Thailand valid in Malaysia?

It can be recognised if it is valid according to Hukum Syarak — especially the wali and celebrant — and registered within the prescribed period. If the husband already has a wife and did not obtain permission, registration is made only by court order, usually after a prosecution.

What is an application for confirmation of the marriage?

It is the process by which the Syariah Court decides whether a marriage that has not been registered is valid according to Hukum Syarak, and then orders its registration. The court examines the wali, the celebrant, the witnesses, the ijab and qabul and the mahr.

Am I also guilty if I did not know that my husband married me without permission for polygyny?

The offence of polygyny without permission (Act 303 s.123) applies to the man who marries. For your own position, please check the latest rule with the Syariah Court or your state Islamic religious office, and keep evidence that you were deceived.

Questions and answers (2)

What can the first wife do if her husband marries again without permission?

She can make a complaint to the Enforcement Division of the state Islamic religious department, apply for maintenance for herself and her children, claim fair treatment, apply for fasakh or cerai taklik if there are grounds, and in certain circumstances claim harta sepencarian. Get advice from a Syarie lawyer or the Legal Aid Department.

What is the penalty for an unaccredited celebrant or a syndicate?

Act 303 s.39 (solemnising a marriage without authority) and s.40(1) (without permission to marry or without two witnesses): a fine not exceeding RM1,000 or imprisonment not exceeding six months or both. State enactments have corresponding provisions; in Terengganu s.36 is heavier (unofficial copy).

Can a mut'ah marriage or a contract marriage be registered?

No. A time-limited marriage is forbidden and void according to Ahl as-Sunnah, and the fatwas of the states in Malaysia forbid it. It cannot be put right by registration.

A. Islamic family law in the 14 jurisdictions (1)

Federal Territories and states

- **Federal Territories** — Islamic Family Law (Federal Territories) Act 1984 [Act 303]. Polygyny s.23; offence s.123.
- **Selangor** — Islamic Family Law (State of Selangor) Enactment 2003 [Enactment 2 of 2003]. Polygyny s.23; offence s.124.
- **Johor** — Islamic Family Law (State of Johor) Enactment 2003 [Enactment No. 17 of 2003]. Polygyny s.23; offence s.124.
- **Kedah** — Islamic Family Law (Kedah Darul Aman) Enactment 2008 [Enactment No. 11 of 2008]. Polygyny s.23; offence s.124.

States

- **Kelantan** — Islamic Family Law Enactment 2002 [Enactment 6 of 2002]. Polygyny s.23; offence s.124. A new law was passed by the State Legislative Assembly on 11 November 2025; its commencement date has not been found.
- **Melaka** — Islamic Family Law (State of Malacca) Enactment 2002 [Enactment No. 12 of 2002]. Polygyny s.23; offence s.124.
- **Negeri Sembilan** — Islamic Family Law (Negeri Sembilan) Enactment 2003 [Enactment 11 of 2003]. Polygyny s.23; offence s.124.

A. Islamic family law in the 14 jurisdictions (2)

States

- **Pahang** — Islamic Family Law Enactment 2005 [Enactment No. 3 of 2005]; please check the current Malay title with your state Islamic religious office. Polygyny s.23; offence s.124.
- **Perak** — Islamic Family Law (Perak) Enactment 2004 [Enactment No. 6 of 2004]; please check the current Malay title with your state Islamic religious office. Polygyny s.23; offence s.124.
- **Perlis** — Islamic Family Law Enactment 2006 [Enactment 7 of 2006]. Polygyny s.23; offence s.124.
- **Penang** — Islamic Family Law (State of Penang) Enactment 2004 [Enactment 5 of 2004]. Polygyny s.23; offence s.124.

States and Borneo

- **Terengganu** — Islamic Family Law (Terengganu) Enactment 2017 [Enactment 1 of 2017]. Polygyny s.22; offence s.126.
- **Sabah** — Islamic Family Law Enactment 2004 [Enactment 8 of 2004]. Polygyny s.23; offence s.124.
- **Sarawak** — Islamic Family Law Ordinance, 2001 [Chapter 43]. Polygyny s.21; offence s.127.
- Full text and a summary for each state:
mypolygyny.com/enakmen-negeri.

B. Sections of Act 303 cited in this book

Act 303: contract and registration

- s.12 marriages that cannot be registered; (2) registration by court order
- s.13 consent and wali · s.19 permission to marry
- s.24 contract at a Malaysian Embassy · s.25 registration · s.26 marriage certificate and taklik
- s.31 marriage abroad · s.33 voluntary registration · s.34 effect of registration
- s.35 failure to appear to register · s.38 false declaration · s.39 contract without authority · s.40 offences in the contract

Act 303: polygyny, rights and children

- s.23 polygyny: (1A) registration by order, (2) outside the Territories, (4)–(6) hearing, (7) mas kahwin, (9) maintenance and property
- s.45 jurisdiction · s.52(1)(h)(vi) fasakh · s.56 mut'ah · s.59 maintenance · s.65 maintenance after divorce
- s.72, s.73 child maintenance · s.110 nasab · s.122 harta sepencarian
- s.123 polygyny without permission · s.128 failure to be just
- States: s.31/s.35/s.124 (eleven states); Sarawak s.29/s.33/s.127; Terengganu s.29/s.32/s.36/s.126

C. Directory of agencies



State Syariah Court

Advisory counter, filing of cases and sulh. Through the e-Syariah portal (esyariah.gov.my) or the state portal.



Syariah Judiciary Department Malaysia (JKSM)

Coordinates the Syariah Courts and the Family Support Division (BSK).
jksm.gov.my



State Islamic religious department

Registration of marriage, divorce and ruju' (return in marriage); family counselling. For example: JAWI (jawi.gov.my), JAIS (jais.gov.my).



Legal Aid Department (JBG)

Legal aid for those who qualify under the Legal Aid Act 1971 [Act 26].



Department of Social Welfare (JKM)

Financial aid, protection and protection orders. jkm.gov.my · Talian Kasih 15999



State zakat institutions

Aid for those eligible for zakat (asnaf) through the state Islamic religious council. List and links: mypolygyny.com/bantuan-zakat-kebakikan



National Registration Department (JPN)

Registration of a child's birth.
jpn.gov.my



Police and emergencies

999 in an emergency; OSCC at the Emergency Department of government hospitals.

D. Glossary



Syndicate marriage

A marriage arranged by an agent or an unaccredited celebrant, usually to avoid the wali's consent, permission to marry or permission for polygyny.



Wali hakim / wali Raja

A wali appointed by a lawful authority when the wali by lineage is absent, cannot be found, or refuses without sufficient reason (Act 303 s.13(b)).



Confirmation of marriage

The Syariah Court's process of deciding whether a marriage that has not been registered is valid according to Hukum Syarak, and then ordering its registration.



Iqrar

A written declaration, for example in the form for registering a marriage abroad (s.31(2)(c)) or in an application for polygyny (s.23(3)).



Nikah syubhah

A marriage believed to be valid but later found to be defective. A child born of it is still attributed to the father according to the majority of scholars.



Mut'ah

A fitting consolatory gift to a wife divorced without proper cause (s.56). Different from mut'ah marriage, which is a time-limited marriage and is forbidden.

E. Summary of Do & Avoid

Do

- ✓ Settle the wali and permission issues in Malaysia before the contract
- ✓ Use an accredited celebrant or the Malaysian Embassy
- ✓ Register the marriage within the period (six months; Terengganu two months after returning)
- ✓ Keep the certificate, the stamped passport and proof of the contract; give a copy to the wife
- ✓ Register the child's birth with the father's name
- ✓ If you are already late, go to the Islamic religious office now

Avoid

- ✗ "Express marriage" agents and illegal border routes
- ✗ A "wali hakim" while the father is alive and can be contacted
- ✗ Marrying again without the court's written permission
- ✗ Hiding the marriage from an existing wife or from family
- ✗ Time-limited or contract marriage
- ✗ Waiting until the husband dies to prove the marriage

CLOSING

Closing

Marriage is a firm covenant, and Islam requires that it be announced, witnessed and the wife's rights protected. Proper registration is the way, in our time, to meet that requirement, and to make sure that the wife and children never have to prove something that should already have been recorded.

If you are considering a shortcut, weigh up who will bear its cost later. If you have already gone ahead, the right step is not to hide it, but to get advice and put it right today. May Allah ease the affairs of every family that wishes to return to a clear and just path.

وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا قُرَّةَ أَعْيُنٍ وَاجْعَلْنَا
لِلْمُتَّقِينَ إِمَامًا ﴿٧٤﴾

"And those who pray, "Our Lord! Grant unto us wives and offspring who will be the comfort of our eyes, and give us (the grace) to lead the righteous.""

Surah al-Furqan 25:74 · tr. Abdullah Yusuf Ali

mypolygyny.com · A general reference, not legal advice and not a fatwa. Section numbers refer to the Islamic Family Law (Federal Territories) Act 1984 [Act 303] unless stated otherwise; each state has its own enactment and section numbers may differ. For your own situation, consult the Syariah Court (Mahkamah Syariah), your state Islamic religious office or a Syarie lawyer.