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وَتَشْرِيفَتِي إِسْلَامًا أَبْنَاءَ رَجَائِنَا مُلْكِيْنَا

REGISTRATION OF MARRIAGE IN MALAYSIA:
A SOCIO-LEGAL STUDY OF
RUNAWAY MARRIAGES AMONG MUSLIMS

BY

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for the degree of Doctor of Philosophy (Law)

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ABSTRACT

The objective of this research is to establish that the requirement of registration of marriage is vital for the purpose of managing legal issues pertaining to it and to avoid disputes, which may give rise to uncertainty in terms of whether a marriage has occurred. It is also to enlighten the people at large the importance of registration as a legal protection mantle assisting them (especially the wives and children) when matrimonial difficulties crop up. In order to comprehend the position of this problem, a special study on *kahwin lari* (elope) among the Muslims parties was carried out. This study employed a content analysis study. The method provides an insight to what extend the provisions in relation to registration have been implemented by the relevant authorities and adhered by people at large. A total of 680 files relating to registration and matters incidental to it were scrutinized. It revolved of 305 cases from eight (8) Religious Offices and 375 cases from the seven (7) Shari'ah Lower Courts and one (1) Shari'ah High Court. A data collection form was exclusively used to store information gathered from selected applicants. The information extracted was enlightening as it provides valuable information as to how the law was being implemented. The data were later analysed in the form of percentages by way of frequency and cross-tabulation. This study proves that although there are adequate provisions in relation to the registration of marriage and procedure to solemnize marriage, the number of those committing *kahwin lari* is still on the increase as the punishments imposed at present do not deter others from committing the act. The study also identifies the profiles of the parties involved and the type of offences and punishments imposed on them. The identification is important so as proper measures in term of positive efforts in legal reform could be made to improve the current situation. The results of this study show that the court must take the initiative to impose more punishments consisting both sentences of fine and imprisonment in order to control the act of *kahwin lari* and not merely fine. Most important, it is essential to impart to the society at large the accurate understanding of the concept of marriage and family values according to the teaching of Islam and to adhere to the present law imposed on them.

()
() (*kahwin lari*)
(680)
(375) (8) (305)
(7)

(*kahwin lari*) " "

(*kahwin lari*) " "
(*kahwin lari*) " "

APPROVAL PAGE

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DECLARATION

I hereby declare that this dissertation is the result of my own investigations, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

Noraini Binti Md Hashim

Signature.....

Date.....

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**REGISTRATION OF MARRIAGE IN MALAYSIA: A SOCIO-LEGAL
STUDY OF RUNAWAY MARRIAGES AMONG MUSLIMS**

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BP 116/5/2004
BP 158/7/2004
BP 176/7/2004
BP 193/8/2004
BP 17/01/2004
BP 24/01/2004
BP 35/2/2004
BP 40/02/2004
BP 209/09/2004
BP 12/1/2004
BP 191/8/2004

PAID Kluang

K 24/2000

K 5/02/35/2001

K 5/02/44/2001

K 5/02/49/2001

K 5/02/53/2001

K 5/02/56/2001

K 5/02/39/2001

K 5/02//6/2002

K 5/02/7/2002

K 5/02//14/2002

K 5/02/38/2002

K 5/02/43/2002

K 5/02/57/2002

K 5/02/28/2003

K 5/02/22/2003

K 5/02/34/2003

K 5/02/40/2003

K 5/02/54/2003

K 5/02/29/2003

K 5/02/69/2003

K 5/02/50/2003

K 5/02/51/2003

K 5/02/41/2004

K 5/02/07/2004

K 5/02/01/2004

K 5/02/43/2004

K 5/02/36/2004

K 5/02/35/2004

K 5/02/29/2004

K 5/02/49/2004

K 5/02/52/2004

K 5/02/13/2004

K 5/02/33/2004

K 5/02/34/2004

K 5/02/59/2004

K 5/02/27/2004

K 5/02/53/2004

K 5/02/60/2004

K 5/02/19/2004

K 5/02/08/2004

PAID Kota Bharu

PAKB 14/2000

PAKB 163/2000

PAKB 164/2000

PAKB 170/2000

PAKB 172/2000

PAKB 178/2000

PAKB 181/2000

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