



Received: 2024-12-27

Accepted: 2025-06-28

Published: 2025-06-30

Original Article

## Marriage Application Procedure Abroad: A Qualitative Study at Negeri Sembilan Islamic Religious Affairs Department (JHEAINS)

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### ABSTRACT

Marriage in Islam is a highly encouraged Sunnah for all Muslims. However, the evolution of time has necessitated that every marriage undergoes several procedures to ensure its legal validity in a given country. The issue of unregistered marriages abroad among Malaysian Muslim citizens has been increasing day by day. This phenomenon is attributed to several factors, including a lack of knowledge about marriage application procedures abroad, polygamy without official permission, the absence of family consent, and the complexity of marriage registration procedures. Therefore, this article highlights a study on the marriage registration application procedures for local citizens marrying abroad, focusing on the Negeri Sembilan Islamic Religious Affairs Department (JHEAINS) as the research subject. This study adopts a qualitative research approach utilizing semi-structured interview techniques. An interview was conducted with a Marriage, Divorce, and Reconciliation Officer at JHEAINS to gather information regarding the marriage application procedures for Malaysian Muslim citizens abroad. The study found that marriage registration procedures abroad are divided into two categories which are marriages between Malaysian citizens that take place abroad and marriages between a Malaysian citizen and a foreign national abroad. The registration process involves the submission of 12 essential documents. The findings emphasize the importance of public awareness and understanding of marriage procedures to reduce instances of unauthorized marriages abroad. In conclusion, this article provides significant insights into the issue of overseas marriages and highlights the need for education and public awareness to ensure adherence to proper marriage procedures.

**Keywords:** marriage, registration, procedures, abroad & sunnah.

### Introduction

Marriage is one of the significant things to discuss because it is an important aspect of human life. Marriage will have implications to the lives of individuals, communities and family institutions. A good marriage will give birth to good offspring and form a happy family

institution. In al-Quran and al-Sunnah there are various arguments related to marriage either from the point of view of guidelines or laws related to it. In the Quran states:

وَأَنْكِحُوا الْأَيْمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۚ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ  
مِنْ فَضْلِهِ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

“And marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and Knowing.”

(An-Nur 24: 32)

Marriage is also meant to achieve peace and love. As Allah says in surah ar-Rum verse 21:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً ۗ  
إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

“And one of His signs is that He created for you spouses from among yourselves so that you may find comfort in them. And He has placed between you compassion and mercy. Surely in this are signs for people who reflect.”

(Ar-Rum 30:21)

Based on the *masalih mursalah* method, the marriage system in Malaysia must be registered, whether it involves domestic or foreign marriages. This requirement for marriage registration serves as a form of *maslahah* for national leaders to manage the community, especially the Muslim community. As Allah says in al-Quran:

“O believers! Obey Allah and obey the Messenger and those in authority among you. Should you disagree on anything, then refer it to Allah and His Messenger, if you truly believe in Allah and the Last Day. This is the best and fairest resolution.”

(An-Nisa 4:59)

Unregistered marriages give a huge impact, including the right to inherit property, the right to child support and the right to get the turn to spend the night if polygamous. Unregistered marriages also have negative effects on children such as preventing them from accessing health care, education and most the biological father's guardianship rights when they want to get married<sup>1</sup>.

In Malaysia, matters related to marriage are part of religious issues which are the responsibility of the states. Every Muslim couple who wants to get married in this country is bound by the Islamic family law (UUKI).<sup>2</sup> This falls under the jurisdiction of the states and is listed in the Ninth Schedule of the Federal Constitution and List 2 of the State Constitution.

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<sup>1</sup> Abdullah, S., Hussin, N. S., & Ramli, A. J. Impak Perkahwinan Tanpa Kebenaran Memberi Kesan Kepada Pasangan Dan Institusi Kekeluargaan. *Conference: The 2nd International Conference on Communication in Scientific Inquiry (CSI)* 2021: 1–18.

<sup>2</sup> Wan Ismail, W. A. F. *et al.* Preliminary Analysis of the Factors Increasing Cross-Border Marriage Cases Among the Muslim Community in Malaysia. *Al-Qanadir: International Journal of Islamic Studies*, 30(1)(April Issue 2023):1–15.

Based on the guidelines issued by the Malaysian Islamic Development Department (JAKIM), every couple who wants to apply for a marriage license must go through a number of procedures that have been established under the State Islamic Family Law Act.

All procedures related to marriage that must be followed have been enshrined in the Enactment of the Islamic Family Law. Among the procedures that must be followed by every couple who wants to get married is to apply for permission to marry through the District Islamic Religious Office in their respective states. Applicants are also provided with the facility to make a Marriage License Application online only. However, this facility only applies to states such as Negeri Sembilan, Melaka, Perlis, Kedah, Perak, Federal Territory, Johor, Selangor and Terengganu so far.<sup>3</sup>

This research will discuss about the application process for marriage abroad, identifying the factors of marriage abroad and the challenges faced by couples who marry abroad and discussing the community awareness of procedures abroad marriage among Malaysian Muslim.

### **Unauthorised Marriage in Malaysia**

An authorized marriage refers to a marriage that actually takes place according to the law Sharia such as complying with all the rules and conditions of marriage, having intercourse and having children born within a certain period of the marriage contract.<sup>4</sup> In Malaysia, unauthorized marriages, particularly among Muslims, refer to marriages conducted without the proper authorization from the relevant authorities, typically the Sharia courts. These unauthorized marriages can lead to several legal, social, and personal issues such as the phenomenon of illegitimate children among Muslim in Malaysia.<sup>5</sup>

One of the main issues is the lack of legal recognition. Under Malaysian law, a marriage must be registered with the National Registration Department (Jabatan Pendaftaran Negara, JPN) to be legally recognized. Unregistered marriages are not officially recorded and, therefore, lack legal recognition. This can result in complications related to inheritance, property rights, and other legal matters.

Another concern is the validity of such marriages. Unregistered marriages are not legally valid, meaning that spouses do not have the legal rights and obligations associated with a recognized marriage, such as rights to maintenance, inheritance, or property division in the event of a divorce. Under the Islamic Family Law (Federal Territories) Act 1984, it is an offense for a Muslim to marry without the permission of the Sharia court if such permission is required. Those found guilty can be fined up to one thousand ringgit, imprisoned for a period not

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<sup>3</sup> Borhanuddin, S. A., Samah, M. & Mat Hussin, M. N. Illegal Marriage For Muslims In Malaysia In Malaysia: A Review Based On The Sharia And Law Perspectives. *Jurnal Pengajian Islam* 16, (2023): 99–121.

<sup>4</sup> Fattah, W. A., Ismail, W., Hashim, H., Shukor, A. & Harun, A. Faraq Perkahwinan bagi Pasangan Tak Sah Taraf di Negeri Sembilan (Judicial Separation of Illegal Marriage in Negeri Sembilan). *International Journal of Islamic Thought* 13, (2018): 124-134.

<sup>5</sup> Mahd Nor, N. I. Fenomena Anak Tak Sah Taraf Dalam Kalangan Orang Islam Di Malaysia, in International Conference on Syariah & Law2021(ICONSIAL 2021)-Online Conference (2021): 182–197.

exceeding six months, or both. This is meant to ensure that marriages are conducted in accordance with Islamic law and local regulations.<sup>6</sup>

Furthermore, social stigma attached to unauthorized marriages, particularly within the Muslim community. Such marriages are often seen as disregarding religious and legal requirements, which can lead to social ostracization and judgment. Children born in unauthorized marriages may face issues related to legitimacy and custody rights. In Malaysia, legitimacy is tied to the validity of the parents' marriage. Children born within a valid marriage are considered legitimate, with certain rights and protections. However, children born in unauthorized marriages may not enjoy the same rights and protections.

### Research Methodology

This study was conducted using a qualitative approach. The data collection technique employed was a semi-structured interview with informants from JHEAINS, specifically the Marriage, Reconciliation, and Divorce (NCR) Officers. The interview results were transcribed and analyzed using thematic analysis. Table 1 below presents the interview protocol with the informants.

Table 1: Protocol Interview

1.	How is the procedure for applying for marriage abroad carried out at the Negeri Sembilan Islamic Religious Affairs Department?
2.	What documents must be prepared by couples who wish to marry abroad, and how is the verification process for these documents conducted?
3.	Are there differences in the procedure for applying for marriage abroad between states in Malaysia, particularly in Negeri Sembilan?
4.	How does the Negeri Sembilan Islamic Religious Affairs Department ensure that couples intending to marry abroad comply with Islamic family law?
5.	What measures are taken in cases of unauthorized marriages abroad, and how are they handled by the authorities?
6.	How aware is the public of the procedures for marriage abroad, and are there any efforts to increase this awareness?
7.	What are the main factors that drive couples to marry abroad without authorization?
8.	What are the main challenges faced by couples who choose to marry abroad, particularly in terms of compliance with Islamic family law?
9.	How does the Negeri Sembilan Islamic Religious Affairs Department ensure that the procedure for marriage abroad is conducted fairly and equitably?

### Abroad Marriage in Malaysia

Abroad marriage means any marriage that is conducted abroad by using the services of a marriage counselor in that country or any form activities or marriage affairs made abroad or using a syndicate. Even though this kind of marriage deal is seen as easy, simple and cheap compared to marriage in Malaysia, but there are implications if registration is not made in Malaysia such as making it difficult to process claims in Court related matters marriage, divorce

<sup>6</sup> Akta Undang-Undang Keluarga Islam (Wilayah-Wilayah Persekutuan) 1984 (AKTA 303), *International Law Book Services*, 2001.

or claims of matrimonial property and inheritance, children do not can be registered at the National Registration Department (JPN) because they do not have a marriage certificate Malaysia, children cannot be registered in government schools in year one because the registration requires the parents' marriage certificate and so on.<sup>7</sup>

The issue of marriage abroad involving Malaysian citizens is not a new issue. Marriages conducted abroad by a few Malaysians either with permission or without permission have been happening since the 90s. In the state of Johor, there is an increasing trend for cases of marriages without permission abroad in 2001-2003 recorded in the Muar Syariah Court for the Muar district only (Abdul Karim and Abdul Rauf 2020). This issue continues from year to year and it is of great concern to various parties. Cross-border marriages often occur because the couple does not obtain the consent of the family, those who have passed away, financial difficulties to hold the wedding ceremony, and husbands who intend to be polygamous.<sup>8</sup> For cases of polygamy, some people think that it is necessary to get the wife's permission to be polygamous. While the most important thing is to get permission from the court. Next, the court will contact the wife to obtain the necessary information. The court will only give permission if the husband is deemed capable of polygamy after looking at various aspects, especially maintenance. Because of that, the existence of the provisions under the Islamic Family Law Enactment is to shape society into people with morals and prevent society from committing offenses under these provisions.<sup>9</sup>

### **Factors Influencing Muslim Couples To Marry Abroad**

This study discusses the marriage application procedure for couples who want to conduct a marriage abroad. In addition, this study also examines the issues related to unauthorized marriages conducted abroad as well as the factors that encourage them to occur. Based on the research carried out on previous studies, the researcher did not find a study that focused on the application procedure for marriage abroad. However, there is a study made by Borhanuddin, Mahamatayuding, and Mat Hussin (2022) related to marriage without permission which is seen to contribute to this study. The research focuses on marriage without consent. The research debated about the procedure of registration of marriage without permission. For couples who have conducted a marriage without permission, they need to go through two institutions if they want to register the marriage. The couple involved need to deal with the Syariah Court to go through the registration procedure before the Islamic Religious Office can issue a marriage certificate. This research also studied the factors of unauthorized marriage.<sup>10</sup> Among the factors that encourage marriages without permission is not getting the consent of guardians and

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<sup>7</sup> Fattah, W. A., Ismail, W., Syukran Baharuddin, A., Mamat, Z., Mutalib, L. A., Hashim, H., Aniq, M., & Alias, A. *Preliminary Analysis Of The Factors Increasing Cross-Border Marriage Cases Among The Muslim Community In Malaysia Analisis Awal Terhadap Faktor-Faktor Peningkatan Kes-Kes Perkahwinan Merentasi Sempadan Dalam Kalangan Masyarakat Muslim Di Malaysia* 30 (1), (2023): 15-30.

<sup>8</sup> Mohd Shah, N., & Meerangani, K. A. Poligami Tanpa Kebenaran: Kajian Terhadap Kes- Kes Di Mahkamah Tinggi Syariah Muar, Johor Tahun 2015-2019. *Jurnal 'Ulwan*, 6(1)(2021): 269–277.

<sup>9</sup> Ali, Zuraimy, Noraini Ismail, Azizi Abu Bakar, and Khadher Ahmad. "Domestic violence in Malaysia: A study on causes and the role of the social welfare department." *Russian Law Journal* 11, no. 3 (2023): 1060-1068

<sup>10</sup> Borhanuddin, Siti Aishah, Mahamatayuding Samah, dan Mohd Norhusairi Mat Hussin. "A Literature Review on Marriage Without Permission in Malaysia." *Journal of Shariah Law Research* 7, no. 2 (2022): 273-298

families.<sup>11</sup> There is also a case of a couple who got married without permission in the Islamic Religious Council of Satul Province, Thailand because they did not get the mother's consent. Although the guardian of the female partner has agreed to the choice of his son. Finally, the marriage of this couple had to be conducted abroad to avoid obstacles from the mother to the girl's side.<sup>12</sup>

A study conducted by Borhanuddin et al. (2022) focuses on marriages that do not follow the procedure. In his study, he stated that marriage registration is an obligation based on Islamic Family Law in each state. Although this procedure is not obligatory according to Shariah, it still needs to be documented in order to be more systematic. The setting of these procedures has caused couples who want to get married to make an easy way by getting married without permission. This is because, they think that the prescribed procedure is too complicated. Therefore, in this study discussed the procedures that each couple needs to go through in order to conduct a marriage under the Islamic Family Law Act (Federal Territory) 1984 to shed light on the marriage procedures that need to go through.<sup>13</sup>

Borhanuddin, Samah, and Mat Hussin (2023) also discusses the marriage procedure under Islamic family law which requires each individual involved in marriage to obtain permission to perform marriage from the parish registrar of the mosque where the woman resides. <sup>14</sup>If the man lives in a mosque parish different from the parish where the woman resides, or lives outside the state, his application needs to be accompanied by a statement from the registrar of his mosque parish or the relevant state authority. The application must be submitted to the registrar, at least seven days before the date of the proposed marriage, although the registrar reserves the right to consider a shorter period in certain circumstances. In this study as well, the researcher also discussed the factors that drive marriages to run away, including the reluctance of guardians to give permission for the marriage or husbands who want to engage in polygamy without the knowledge of their wives.<sup>15</sup>

Therefore, based on the research done, it shows that there is a discussion related to the marriage procedure by the past researcher. However, the study did not examine in detail the procedure of marriage abroad. Looking at that deficiency, the researcher felt the need for a detailed study related to this issue. This study focuses on marriage procedures for couples who want to marry abroad. Researchers also hope that this study will have an impact on the community so that they do not take the marriage procedure for granted, especially for those who want to marry abroad.

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<sup>11</sup> Hazman, Atiqah, Bahiyah Ahmad, and Norhidayah Pauzi. "Kahwin Lari Tanpa Izin Wali bagi Anak Dara yang Masih Mempunyai Wali Nasab: Satu Analisis ke Atas Fatwa Negeri Perlis." *Journal of Islam in Asia* 17, no. 3 (2020): 268–90

<sup>12</sup> Abdullah, S., Hussin, N. S. & Ramli, A. J. Impak Perkahwinan Tanpa Kebenaran Memberi Kesan Kepada Pasangan Dan Institusi Kekeluargaan. in *Conference: The 2nd International Conference on Communication in Scientific Inquiry (CSI) 2021* 1–18 (Universiti Malaysia Perlis, Perlis, 2021).

<sup>13</sup> Hashim, Nadiyah, Noor Azura Zainuddin, Solihah Yahya Zikri, and Zuraimy Ali. "Tatacara Perkahwinan di Negeri Perlis: Keunikan Berbanding Negeri-Negeri Lain." *Journal of Islamic, Social, Economics and Development* 8, no. 53 (2023): 310–20

<sup>14</sup> Borhanuddin, S. A., Samah, M. & Mat Hussin, M. N. Illegal Marriage For Muslims In Malaysia In Malaysia: A Review Based On The Sharia And Law Perspectives. *Jurnal Pengajian Islam* 16, (2023): 99–121.

<sup>15</sup> Mohd Shah, N. & Khairul Azhar Meerangani, dan. Faktor Poligami Tanpa Kebenaran: Analisis Kes Di Mahkamah Syariah Muar, Johor. *E-Journal of Islamic Thought and Understanding* 1(2021): 1–13.

## Marriage Abroad Procedures in JHEAINS

Basically, every couple who wants to get married needs to know the minimum age requirement for marriage before they apply for marriage. In section 8 of the Negeri Sembilan Islamic Family Law Enactment (2003) EUUKINS 2003 provides that;

*No marriage shall be solemnized under this Enactment if the man is less than eighteen years of age or the woman is less than sixteen years of age unless the Sharia Judge has given his permission in writing in certain circumstances.*

Once the couple has met the minimum age requirements for marriage as set out in EUUKINS 2003, then they can apply for a marriage license. For marriage applications conducted abroad, only the headquarters of the Islamic Family Law Division will process. In general, every single couple who wants to apply for a marriage license must first obtain a recognized Islamic Pre-marriage Course Certificate before making an application. This Islamic Pre-Marriage Course Certificate will be sent when making an application to the Registrar by each party. This matter is in line with the provision in section 16 (3) EUUKINS 2003.

For the marriage of a citizen couple with a foreigner abroad there is a slight difference. The Islamic Pre-Marriage Course Certificate is only required for single citizen couples, while foreigner couples are not required. After that, applications can be made through the Malaysian Islamic Marriage Management System (SPPIM). Typically, male applicants will first fill out the form at SPPIM followed by female applicants. All personal details of male and female applicants, authorization information and guardian information must be completed in SPPIM. Applicants who are citizens with foreign nationals must submit their spouse's passport information or national identity card<sup>16</sup>.

In addition, applicants who wish to marry a foreign national must also ensure that their spouse is not a Temporary Work Visit Pass holder. If all the conditions are met, then the application will be processed and a fee of RM50 will be charged. When the applicant has obtained permission to marry, the marriage must be carried out within a valid period of 90 days.

For the marriage of a citizen couple with a foreigner conducted abroad, they need to go to the Malaysian embassy in the country where the wedding will be conducted. This is for confirmation by the Malaysian embassy. A letter will be issued by the Malaysian embassy abroad to confirm the marriage that will be conducted later. After completing the business at the embassy, the couple needs to deal with the religious authority that manages Muslim marriages abroad. When the marriage conducted abroad has been completed, the couple must re-register in Malaysia within six months from the first time they entered Malaysia after marriage. All documents or marriage certificates issued by foreign countries must be brought into Malaysia and authenticated by the embassy of the country concerned in Malaysia. If the embassy of the country recognizes the marriage certificate, then the Islamic Family Law Division will call the applicant and the foreign spouse for an interview session. If it is found that the marriage is valid according to the syar'a and all the prescribed procedures, then the marriage certificate and marriage card will be allowed to be issued. For citizen and foreigner couples, the marriage certificate will be charged a fee of RM130<sup>17</sup>. Table 2 below is list of the important document for registration abroad marriage:

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<sup>16</sup> Interview with informant.

<sup>17</sup> Interview with informant.

Table 2: Checklist Document for Marriage Abroad Registration in Negeri Sembilan

1 KAD PENGENALAN / PASPORT LELAKI
2 KAD PENGENALAN / PASPORT PEREMPUAN
3 PASPORT PEMOHON SEMASA PERNIKAHAN (BUKTI KELUAR MASUK MALAYSIA)
4 PASPORT PASANGAN SEMASA PERNIKAHAN (BUKTI KELUAR MASUK MALAYSIA)
5 VISA PASANGAN YANG MASIH SAH
6 DOKUMEN PERNIKAHAN / SURAT NIKAH / BUKU NIKAH YANG TELAH DISAHKAN OLEH KEDUTAAN / KONSULAT NEGARA ASAL DI MALAYSIA DAN KEMENTERIAN LUAR NEGERI
7 TERJEMAHAN SURAT/ DOKUMEN PERNIKAHAN KE DALAM BAHASA MALAYSIA DARI INSTITUT TERJEMAHAN DAN BUKU MALAYSIA (ITBM) (SEKIRANYA BAHASA YANG DIGUNAKAN DALAM DOKUMEN PERNIKAHAN SELAIN BAHASA MELAYU DAN BAHASA INGGERIS
8 SURAT PENGESAHAN PERKAHWINAN DARI KEDUTAAN / KONSULAT MALAYSIA DI MANA TEMPAT PERNIKAHAN DILANGSUNGKAN
9 DOKUMEN PENGENALAN DIRI WALI JIKA WALI BUKAN WARGANEGARA
10 DOKUMEN PENGENALAN DIRI SAKSI NIKAH 1
11 DOKUMEN PENGENALAN DIRI SAKSI NIKAH 2
12 GAMBAR AKAD NIKAH DAN LAIN-LAIN DOKUMEN SOKONGAN (JIKA ADA)

Source: Sistem Pengurusan Perkahwinan Islam Malaysia (SPPIM)

### Factors of Unauthorized Marriage Abroad

Based on studies by past researchers, it has been found that there are several factors of foreign marriages that do not get permission from the authorities. The first factor is that the couple did not seek permission from the court. In the Islamic Family Law (Federal Territories) 1984 requires that a person who wants to marry abroad must obtain permission from the court before performing the marriage. If a person does not seek permission from the court, then it is considered a violation of the law.

The second factor is that the application for permission to perform the marriage was rejected. The Court can reject an application for permission to marry abroad if there are reasonable reasons, such as the husband's desire to perform polygamy without the first wife's consent prompts him to make the choice to perform the marriage abroad and keep it a secret from the authorities. Plus, family-related issues also contribute to cases of illegal marriages abroad (Wan Ismail et al., 2023)<sup>18</sup>. The factor of foreign marriages that do not get permission from the court is caused by non-compliance with the stipulated conditions. The court can set certain conditions before granting permission to marry abroad. If the individual does not comply with the conditions, the permission can be refused. For example, the conditions are complete documents required for marriage registration.

Furthermore, the factor of not getting permission to marry abroad by the court is due to the factor of disobedient local laws. Marriages performed abroad without the permission of the court may be considered in violation of local laws such as illegal immigration and not having a valid permit. The effect is that individuals may be subject to legal action. The issue of documentation is also one of the causes that increase the rate of illegal marriages abroad. Identification problems and difficulties in obtaining the documents required to make a legal

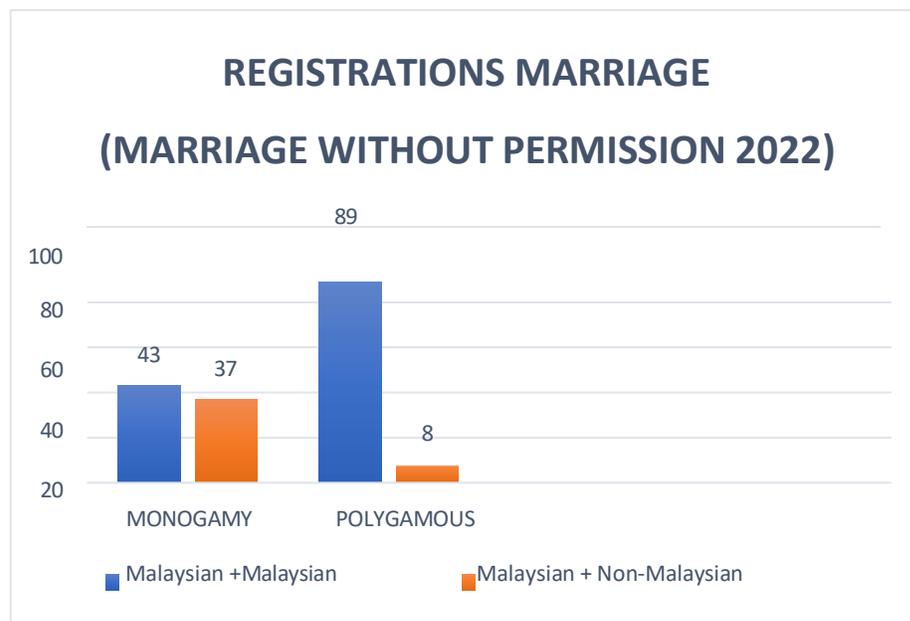
<sup>18</sup> Wan Ismail, W. A. F. et al. Preliminary Analysis Of The Factors Increasing Cross-Border Marriage Cases Among The Muslim Community In Malaysia. *Al-Qanatir: International Journal of Islamic Studies*, 20 (1). April Issue, 2023): 1–15.

marriage in Malaysia are often an obstacle for couples to comply with the established procedures. The presence of one or both spouses as foreigners with a work permit or staying in Malaysia overtime also contributes to difficulties in the marriage process.

Cases occur when the family sets a prospective partner for a child, but the individual chooses to be alone in making the decision and choose his own partner who does not get the family's approval. This phenomenon encourages individuals to find a way out by performing marriages abroad.

So, they take the easy way out by conducting marriages abroad without following the established procedures.<sup>19</sup> In addition, the attitude of the individual or the couple also plays a role in the decision to perform an illegal marriage abroad. These attitudes may include illegitimate marriages of mutual consent, or situations where the partners involved have already been married before being legally married. This act clearly shows disobedience to the procedures that have been set by the authorities. The Figure 1 below shows the registration of marriages abroad that did not get permission:

Figure 1: Marriage Without Permission 2022



Source: Jabatan Hal Ehwal Agama Islam Negeri Sembilan.

The diagram 1 above shows that the highest statistics for unregistered marriages are among Malaysian citizens who want to be polygamous, followed by citizens who marry monogamously but do not register their marriage according to the procedure.

<sup>19</sup> Abdullah, Shuhairimi, Noor Salwani Hussin, and Abdul Jalil Ramli. "Impak Perkahwinan Tanpa Kebenaran Memberi Kesan Kepada Pasangan dan Institusi Kekeluargaan." In *The 2nd International Conference on Communication in Scientific Inquiry (CSI) 2021*, 1–18.

### **Challenges Faced by Couples Who Marry Abroad**

The first challenge is the difference in marriage laws for couples who marry across two different countries. Marriage laws in foreign countries may differ from Islamic marriage laws in Malaysia. This can cause confusion or misunderstanding about their marital rights.

The next challenge is related to the recognition of marriage. Couples who get married abroad may face problems getting their marriage recognized in Malaysia. They need to ensure that the marriage procedure abroad is recognized by the local authorities in Malaysia.

Couples who get married abroad also face challenges in terms of documentation related to marriage procedures. The couple may face problems related to their marriage documents, such as marriage certificates, document translations, or supporting documents needed to validate their marriage in Malaysia<sup>20</sup>.

In this research, informant from JHEIANS have mention about a few challenges that faced by couples who choose to marry abroad. The main challenges faced by couples who choose to marry abroad, especially in terms of compliance with procedures and laws, is an important aspect that needs to be noted. In the context of interviews with officers at the Marriage, Divorce and Rujū' (NCR), some key challenges have been detailed that touch on some important aspects of the marriage process abroad. Among the challenges identified is the complexity of the compliance process, where couples are directed to obtain permission from the relevant authorities before performing a marriage abroad. In Negeri Sembilan, only the headquarters in the Islamic Family Law Division will manage permission to marry abroad.

Another challenge mentioned is the need to obtain the verification of documents required by some agencies in certain countries. This verification process can be complicated and involves several steps that require considerable time and effort from the spouses involved. In addition, the non-uniformity of procedures between countries, as noted in the Indonesian example, poses additional challenges for couples who choose to marry abroad.

### **Community Awareness of Marriage Abroad Procedures and the Authority's Strategy**

The community's awareness of the marriage procedure is very important to ensure that every couple about to get married will follow the procedures that have been set. In the context of community awareness, pre-marriage courses have been recognized as an important resource for imparting information about marriage procedures abroad. Specifically, the module in the course covers marriage authorization procedures, showing the commitment of the authorities in delivering relevant information to those who are about to marry. However, there is a significant difference in the level of awareness between the younger generation and the older generation. The younger generation is taught and given knowledge in detail through pre-marriage courses, while the awareness of the older generation may be lacking, which creates the need for a different approach in conveying information to them.

Community awareness to follow the marriage registration procedure also needs to be explained and prompted by government agencies such as Islamic religious councils and sharia

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<sup>20</sup> Hashim, Hasnizam, Intan Nadia Ghulam Khan, Haliza A. Shukor, dan Nabilah Yusof. "Isu-Isu Berkaitan Pernikahan yang Menyalahi Undang-Undang Keluarga Islam di Malaysia dan Kaedah Penyelesaiannya." Proceedings of the 3rd International Conference of the Postgraduate Students and Academics in Syariah and Law (INPAC 2020), 77.

courts. This is as stated in the study of Muhamad Helmi et al (2021) which highlights the role of the Legal Aid Department and JAKIM as agencies that provide information and awareness campaigns to the Muslim community about the importance of registering marriages in the respective state's Islamic religious department. By using various social media platforms and also going down to the community field.

In addition, emphasizing the community's responsibility in knowing and obeying the rules set, especially in the context of marriage. Although individuals may not understand exactly the procedures involved, it is their responsibility to find the necessary information and refer to the relevant authorities. The importance of understanding the rules in every aspect of affairs, including marriage, is also emphasized. The answer affirms that in every business, there must be rules that must be followed. Therefore, it is important for the community to understand and take responsibility in finding information related to the rules.

Moreover, the role of parents and family can also help raise awareness among couples who do not want to register their marriage in a religious office. This is because there are fathers who marry their children outside of Malaysia and know that their child's marriage is not valid according to the law. With awareness at the level of mothers and fathers can also increase awareness among couples to register marriages according to legal procedures<sup>21</sup>.

Finally, the responsibility of the authorities should also be taken into account in ensuring the delivery of correct and accurate information to the community. Efforts to publicize the actual procedure are important to ensure proper awareness and understanding among the community, and this requires continued cooperation between the authorities and the community. Thus, this shows that the community's awareness of marriage abroad procedures requires continuous efforts from various parties, including the authorities and the community itself, to ensure proper understanding and corresponding compliance with the established procedures.

## Conclusion

In conclusion, this study provides an in-depth understanding of marriage procedures abroad and the factors that influence illegal marriages. The implications of this finding are important to increase community awareness and facilitate the marriage process for couples who choose to marry abroad. However, further research is needed to better understand this issue as well as to propose more effective measures in reducing the incidence of illegal marriages. Future research could focus on more extensive quantitative data collection to understand the patterns and trends of marriages abroad.

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