

**APOSTASY: CONSEQUENCES ON MARRIAGE AND THE  
CUSTODY OF THE CHILD**

**By**

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**The authors confirm that the work submitted is their own and that appropriate  
credit has been given with reference has been made to the works of others.**

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## **ABSTRACT**

This research is conducted for the purpose of reviewing the current law on the effect of apostasy upon marriage and the custody of the child. Besides that, it is conducted to provide a better understanding and awareness regarding these issues in Malaysia. This would be conducted through library research that includes primary and secondary sources as well as interview. The importance of the study is to provide useful legal data and information.

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## CHAPTER ONE: INTRODUCTION

### 1.1 BACKGROUND

To begin with, the term Apostasy can be easily defined as a Muslim who turns his back or going back to disbelief from Islam or also known generally as “*Murtad*”.<sup>1</sup> Apostasy has been quite a controversial issue as it involves religion, belief and faith of a person. Despite that, apostasy is forbidden strictly in Islam. Hence, few cases take place regarding this matter even though it has been cleared that apostasy is prohibited to be practiced by a Muslim.

Dissolution of marriage, custody of the children, right of the apostate person, and matters regarding the inheritance are some of the problems that arise and need to be considered in handling apostasy cases. This is due to the facts that if one party choose not to follow the spouse from practicing apostasy, first in hand, the marriage in due time will resolve. Moreover, this will lead to more problems regarding the custody of the child and rights of each party over such matters.

Therefore, the objective of this research is basically to examine what are the effects of apostasy upon the marriage and to the custody of the child. Furthermore, every right of the parties involved will be discussed throughout the whole research.

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<sup>1</sup> K.N Ahmed, *The Muslim Law of Divorce*, Kitab Bhavan, India, 1978, pg 793.