

**LEGALITY OF UNDERAGE MARRIAGE ACCORDING TO
ISLAMIC LAW AND CIVIL LAW**

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

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ABSTRACT

REQUIREMENT OF MINIMUM AGE OF MARRIAGE

In Malaysia, the minimum age for a Muslim to get married is eighteen for the male party and sixteen years of age for the female party and failure to comply with this requirement will made the party liable to a fine not exceeding one thousand ringgit or six months imprisonments or both. On the other hand, Law Reform (Marriage and Divorce) Act 1976 which is applicable for non Muslim provided that the minimum age of marriage is fixed at eighteen years with the proviso that a female party who has attained the age of sixteen years may be married if she had obtained a license from Chief Minister. No marriage may be solemnized when the girl is under sixteen, otherwise the party will be punished with and imprisonment for a term not exceeding three years and a fine not exceeding five thousand ringgit for non Muslim. Hence, the cases of child marriage increase from day to day due to the insufficient term of punishment. Therefore, our group proposes to suggest that a higher punishment to be implemented in order to curb the problem of underage marriages in Malaysia which is punishment for statutory rape under S376 (2) Penal Code. Plus, we will also highlight the effects of passing of law that allows under age marriage in Malaysia. This research adopts qualitative type of research. Semi-structured interviews, library and internet research will be conducted in order to gathered information and to obtain different view regarding the research topic.

TABLE OF CONTENTS

Acknowledgement	i
Abstract	ii
Contents	iii
List of Cases	vi

CHAPTER ONE: INTRODUCTION

1.0 Introduction	1
1.1 Background of Study	2
1.2 Problem Statement	4
1.3 Objective of Study	6
1.4 Methodology	7
1.5 Scope and Limitation	7
1.6 Significant of the Study	8

CHAPTER TWO: LEGALITIES AND EFFECTS UNDERAGE MARRIAGE

2.0 Introduction	9
2.1 Background on Underage Marriage	9
2.2 The Ruling and View of Islam on Underage Marriage	9
2.3 The Ruling for non-Muslim on Underage Marriage	13
2.4 Effect on Underage Marriage	
2.4.1 Religion	15
2.4.2 Legal	16
2.4.3 Social and Medical	17
2.5 Suggestion in Trying to Deter Underage Marriage	19

CHAPTER THREE: MINIMUM AGE OF MARRIAGE UNDER MUSLIM LAW

3.0 Introduction	21
3.1 Whether Age is one of the Conditions of a Valid Marriage	21
3.2 Status of Underage Marriage in Islam	23
3.3 Muslim's Underage Marriage in Malaysia	
3.3.1 Law and Enforcement	25
3.3.2 An analysis on Cases of Underage Marriage in Malaysia	28
3.3.3 Recent issue concerning Underage Marriage in Malaysia	30
3.4 Comparison between Malaysia and other Islamic Country	33

CHAPTER FOUR: MINIMUM AGE OF MARRIAGE UNDER CIVIL LAW

4.0 Introduction	36
4.1 International Law with regards to Minimum age to marry	36
4.2 Underage Marriage Law among non-Muslim in Malaysia	
4.2.1 Underage Law among non-Muslim in Peninsular Malaysia	38
4.2.2 Underage Law among non-Muslim in Sarawak	41
4.2.3 Underage Law among non-Muslim in Sabah	42
4.3 Underage Marriage in other country	43

CHAPTER FIVE: FINDINGS, RECOMMENDATION AND CONCLUSION

5.0 Introduction	46
5.1 Findings	46
5.2 Recommendations	
5.2.1 Imposing Higher Monetary Fine	47
5.2.2 Recognising Under Age Marriage as Marital Rape	48
5.2.3 Awareness Campaign	48
5.2.4 Education	49
5.2.5 International Law to become Municipal Law	49