

Revisiting Polygamous Marriage Laws in Malaysia: Addressing Enforcement Gaps and Contemporary Challenges in Islamic Family Law

Zuliza Mohd Kusrin

Universiti Kebangsaan Malaysia, Malaysia
zuli@ukm.edu.my

Aishah Mohd Nor

Academy of Contemporary Islamic Studies, Universiti Teknologi MARA, Malaysia
aishahmnor@uitm.edu.my

Shadli Sabarudin

Academy of Contemporary Islamic Studies, Universiti Teknologi MARA, Malaysia
shadli@uitm.edu.my

Ruzita Ramli

Department of Syariah Judiciary, Negeri Sembilan, Malaysia
ruzita@esyariah.gov.my

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Abstract: This article examines the legal framework governing polygamous marriages in Malaysia, focusing on Section 23 of the Islamic Family Law (Federal Territories) Act 1984, which requires men to obtain prior Sharia Court consent before contracting additional marriages. Despite this requirement, the prevalence of polygamous marriages solemnised without court approval underscores significant enforcement weaknesses. Legal loopholes allow such marriages to be legitimised and registered post-facto, provided they comply with *Hukum Syarak* and the associated matrimonial offence is resolved through prescribed penalties. Employing doctrinal legal analysis alongside an examination of unreported Sharia Court files, the findings reveal inconsistencies in judicial discretion when sentencing offenders, highlighting gaps that undermine the regulatory objectives of polygamy laws and erode public confidence in the Sharia legal system. Within the *maqāṣid al-shari'ah* framework, the research demonstrates that circumventing procedural safeguards compromises the objectives of Islamic law, particularly the protection of lineage (*hifz al-nasl*), the welfare of spouses and children, and overall family harmony. Women and children in unregulated marriages face legal insecurity, inequitable treatment, and restricted access to maintenance and inheritance rights. The study concludes that comprehensive reforms are necessary to strengthen enforcement, close regulatory gaps, and harmonise administrative compliance with religious validity. This study contributes to the academic discourse by offering recommendations that include enhancing penalties, standardising judicial discretion, raising public awareness and education about the legal implications of unregistered polygamous marriages to women and children, and integrating *maqāṣid* principles to prioritise justice, equity, and family welfare. By addressing both legal and ethical dimensions, these reforms aim to safeguard the rights of all parties in polygamous marriages and enhance public confidence in Malaysia's Sharia legal system.

Keywords: Polygamous Marriage, Sharia Court, Matrimonial Offence, Islamic Law, Malaysia.

Abstrak: Artikel ini mengkaji kerangka hukum yang mengatur praktik poligami di Malaysia, dengan fokus pada Pasal 23 Undang-Undang Hukum Keluarga Islam (Wilayah-Wilayah Persekutuan) Tahun 1984, yang mewajibkan laki-laki memperoleh izin terlebih dahulu dari Mahkamah Syariah sebelum melangsungkan pernikahan tambahan. Meskipun ketentuan ini telah diatur, masih banyak pernikahan poligami yang dilakukan tanpa persetujuan pengadilan, menunjukkan lemahnya penegakan hukum. Celah hukum memungkinkan pernikahan semacam itu dilegalkan dan didaftarkan setelahnya, selama memenuhi ketentuan *Hukum Syarak* dan pelanggaran perkawinan tersebut diselesaikan melalui hukuman yang telah ditetapkan. Dengan menggunakan analisis hukum doktrinal serta telaah terhadap berkas-berkas Mahkamah Syariah yang tidak dipublikasikan, penelitian ini menemukan adanya ketidakconsistenan dalam penggunaan diskresi hakim ketika menjatuhkan hukuman, yang pada akhirnya melemahkan tujuan pengaturan poligami dan mengikis kepercayaan publik terhadap sistem hukum Syariah. Dalam kerangka *maqāṣid al-shari'ah*, penelitian ini menunjukkan bahwa pengabaian terhadap prosedur hukum yang ditetapkan dapat merusak tujuan-tujuan hukum Islam, khususnya dalam hal perlindungan keturunan (*hifz al-nasl*), kesejahteraan pasangan dan anak, serta keharmonisan keluarga secara keseluruhan. Perempuan dan anak-anak yang terlibat dalam pernikahan tidak teratur menghadapi ketidakpastian hukum, perlakuan yang tidak adil, serta keterbatasan dalam memperoleh hak nafkah dan warisan. Penelitian ini menyimpulkan bahwa diperlukan reformasi menyeluruh untuk memperkuat penegakan hukum, menutup celah regulasi, serta menyelaraskan kepatuhan administratif dengan validitas agama. Studi ini memberikan kontribusi akademik melalui rekomendasi peningkatan sanksi, standarisasi diskresi hakim, peningkatan kesadaran dan edukasi publik mengenai implikasi hukum dari pernikahan poligami yang tidak terdaftar bagi perempuan dan anak, serta integrasi prinsip-prinsip *maqāṣid* untuk menegakkan keadilan, kesetaraan, dan kesejahteraan keluarga. Dengan menyeimbangkan dimensi hukum dan etika, reformasi ini diharapkan dapat melindungi hak semua pihak dalam pernikahan poligami dan memperkuat kepercayaan masyarakat terhadap sistem hukum Syariah di Malaysia.

Kata kunci: Pernikahan Poligami, Mahkamah Syariah, Pelanggaran Perkawinan, Hukum Islam, Malaysia.

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Introduction

Polygamy, defined as a man marrying more than one woman,¹ is permitted in Islam as stated in the Qur'an: "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 one only, or a captive"² and "Ye will not be able to deal equally between (your) wives, however much ye wish (to do so). But turn not altogether way (from one), leaving her as in suspense".³

According to these verses, Islam grants conditional permission to marry up to four wives, rather than an unrestricted licence. Unlike the unregulated polygamous practices of the Jahiliyyah period, Islam reformed and regulated polygamy by limiting the number of wives to four, while emphasising justice, financial maintenance, and equal treatment among wives⁴. These requirements underscore Islam's broader objectives of protecting women's welfare and preventing harm within marriage.

In Malaysia, although legally permitted under Islamic family law, polygamous marriage is often criticised by Muslim and non-Muslim groups alike, including NGOs such as Sisters in Islam, which argue that it undermines women's

rights⁵. Criticism often stems from cases where husbands fail to fulfil their obligations, particularly regarding maintenance and fair treatment, leading to negative perceptions of Islam as patriarchal⁶ or unjust⁷. Furthermore, Malaysia's ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1995, while maintaining reservations concerning polygamy, has intensified debates about compatibility between international human rights standards and Malaysia's Islamic family law framework⁸.

While these debates highlight tensions between international norms and local legal traditions, the fundamental issue remains rooted in the husbands' failure to conform to the basic Sharia principles of providing adequate financial support, ensuring equal treatment of wives, and safeguarding emotional well-being. Nonetheless, the consequences of such noncompliance are disproportionately borne by women in polygamous marriages, who often endure long-term psychological and social hardships⁹.

Contemporary studies highlight a growing movement towards harmonising Islamic principles of justice with international human

¹ Agnes Maria Janni Widyawati and Heri Purnomo, "Polygamous Marriage Review from Law Number 1 of 1974 Concerning Marriage," *UNTAG Law Review* 5, no. 2 (2022): 62–69.

² Al-Qur'an (4): 3

³ Al-Qur'an (4): 129.

⁴ Rafeah Saidon et al., "Regulating Polygamous Marriage to Prevent Its Abuse: A Case Study of Malaysia," *Pertanika Journal of Social Science and Humanities* 25, Special Issue (2017): 197–208.

⁵ Abdussalam Muhammad Shukri and Musa Yusuf Owoyemi, "Sisters in Islam's Quest for the Reinterpretation of the Qur'an and Hadith: An Analysis of Their Views on Equality, Women Judges, and Polygamy," *Kajian Malaysia* 32, no. 1 (2014): 55–80.

⁶ Hamka Hasan et al., "Polygamy: Uncovering the Effect of Patriarchal Ideology on Gender-Biased

Interpretation," *HTS Teologiese Studies/Theological Studies* 77, no. 1 (2021): 1–9.

⁷ Jaidun, "Implikasi Hukum Terhadap Poligami Tanpa Izin dalam Perspektif Hukum Islam," *Jurnal Hukum dan HAM Wara Sains* 2, no. 5 (2023): 337–348.

⁸ Zanariah Noor, "Wanita Islam dan CEDAW: Isu-Isu Berkaitan dengan Undang-Undang Kekeluargaan Islam di Malaysia," *Jurnal Syariah* 31, no. 1 (2023): 1–38.

⁹ Shinta Dewi Rismawati and Muhammad Abral Abu Bakar, "Polygamy Marriage: Legal Culture, Optional Political Identity and Marital Status Dilemma (A Case Study in Pekalongan)," *Al-Ihkam* 14, no. 2 (2019): 234–264; Sabila Naseer, Sehrish Farooq, and Farah Malik, "Causes and Consequences of Polygamy: An Understanding of Coping Strategies by Co-Wives in Polygamous Marriage," *ASEAN Journal of Psychiatry* 22, no. 9 (2021): 1–10.

rights frameworks, particularly in regulating polygamy and safeguarding women's dignity¹⁰. In the Malaysian context, however, research seldom examines how judicial approaches undermine the ineffectiveness of existing safeguards. This oversight creates a gap in the literature regarding the practical enforcement of polygamy provisions, as opposed to their theoretical existence within the law.

Method

This study employs a qualitative research design that integrates both doctrinal legal analysis and examination of unreported Sharia Court files to investigate the implementation of polygamy-related provisions under Malaysian Islamic Family Law.

The doctrinal component critically reviews statutory provisions and scholarly literature, with particular emphasis on Sections 23, 123, and 128 of the Islamic Family Law (Federal Territories) Act 1984. These provisions are analysed in light of their judicial application, enforcement practices, interpretative approaches, and implications for matrimonial justice.

Complementing this, the case-based analysis focuses on unreported Sharia Court files, particularly cases involving applications without prior court approval, examining judicial reasoning, sentencing patterns, and interpretative trends through thematic

techniques to identify recurring principles, discretionary inconsistencies, and enforcement gaps¹¹.

By synthesizing doctrinal and case-based analysis, the study provides a nuanced understanding of both the theoretical and practical dimensions of polygamy regulation within Malaysia's Sharia legal framework, highlighting the enforcement gaps and broader contextual challenges that shape the effectiveness and equity of Islamic family law in polygamous marriage practices.

Legal Provision on Polygamous Marriage in Malaysia

Historically, Malaysia lacked specific statutory provisions to regulate or restrict the practice of polygamous marriage. Prior to the development of the current legal framework, men were able to contract subsequent marriages without judicial authorisation, and in many instances, the first wife was not even informed of her husband's new marriage. The absence of regulation frequently gave rise to adverse consequences, particularly when husbands neglected their obligations of equitable treatment and financial responsibility¹². Such failures often caused emotional distress, economic hardship, and social dislocation for affected wives and children¹³. This historical experience underscored the pressing need for codified

¹⁰ Isa Mansur Yelwa, "Law Reform in the Muslim World: A Comparative Study of the Practice and Legal Framework of Polygamy in Selected Jurisdictions," *International Journal of Business and Law Research* 2, no. 3 (September 2014): 32–44.

¹¹ John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Method Approaches* (Thousand Oaks, CA: Sage, 2003); J. Amos Hatch, *Doing Qualitative Research in Education Settings* (Albany: SUNY Press, 2002).

¹² Jaidun, "Implikasi Hukum Terhadap Poligami Tanpa Izin

dalam Perspektif Hukum Islam," *Jurnal Hukum dan HAM Wara Sains* 2, no. 5 (2023): 337–348.

¹³ Shinta Dewi Rismawati and Muhammad Abrial Abu Bakar, "Polygamy Marriage: Legal Culture, Optional Political Identity and Marital Status Dilemma (A Case Study in Pekalongan)," *Al-Ihkam* 14, no. 2 (2019): 234–264; Sabila Naseer, Sehrish Farooq, and Farah Malik, "Causes and Consequences of Polygamy: An Understanding of Coping Strategies by Co-Wives in Polygamous Marriage," *ASEAN Journal of Psychiatry* 22, no. 9 (2021): 1–10.

legal provisions to regulate polygamy, not only to safeguard the welfare of women and children but also to preserve the integrity of the family institution in accordance with Islamic principles of justice and fairness¹⁴.

The historical evolution of polygamy regulation in Malaysia reflects a gradual transition from unregulated private practices to a codified framework under state and federal legislation. Beginning with Kelantan in 1942, followed by Selangor in 1960 and Sabah in 1971, state enactments progressively introduced statutory safeguards. A turning point occurred in 1977, when reforms across several states required judicial approval prior to the solemnisation of a polygamous marriage. This development culminated in the enactment of the Islamic Family Law (Federal Territories) Act 1984 (IFLA), which provided a statutory framework governing polygamy. Currently, every state in Malaysia has enacted its own Islamic family law legislation, modeled after the IFLA, thereby establishing a broadly uniform regulatory structure. Fundamentally, the law requires that all polygamous marriages conform to prescribed statutory procedures and secure prior authorisation from the Sharia Court before they can be validly contracted. The provisions under IFLA relating to polygamous marriage are summarised in Table 1.

Table 1: Polygamous Marriage under the IFLA 1984

Sections	Explanations
23	Procedural and substantive requirements for entering into a polygamous marriage.
123	Criminalises polygamous marriages without the court's permission.
128	Penalises failure to accord just treatment, with punishments of fines or imprisonment.

¹⁴ Hamidah Harun, *Perkahwinan Tanpa Kebenaran di Mahkamah Syariah Wilayah Persekutuan Kuala Lumpur*,

Despite this trajectory, implementation across states remains inconsistent. A comparative analysis reveals significant variation in the procedural strictness of court applications. For instance, the Federal Territories adopt the most rigorous model, requiring comprehensive financial disclosure and the presence of both the husband and his existing wife(s) before the court. By contrast, states such as Perlis and Terengganu adopt comparatively lenient approaches, with permission obtainable either through written approval or minimal attendance requirements. States such as Selangor, Negeri Sembilan, and Malacca occupy an intermediate position, where hearings typically involve the husband, existing wife(s), and, in some cases, the prospective wife and her guardian.

The imbalance and inconsistency in the implementation of polygamous-related procedures across different states present a significant challenge to the principles of justice and the protection of the rights of existing wives. To address these disparities and promote uniformity in judicial practice, the Department of Syariah Judiciary Malaysia (JKSM) has issued a series of Practice Directions that provide procedural guidance for judges and court officers. These directions are intended to streamline case management, ensure greater transparency, and reinforce the statutory safeguards prescribed under IFLA. A summary of the Practice Directions is presented in Table 2.

Table 2: Practice Directions on Polygamous Marriage issued by JKSM

No.	Explanations
7/2021	Summoning existing wife/wives to attend the hearing of polygamy applications or registration.

(Bangi: Unpublished dissertation, Universiti Kebangsaan Malaysia, 2013).

No.	Explanations
2/2007	Obtaining a supporting letter from the Commanding Officer or the Inspector General of Police for members of the Royal Malaysia Police (PDRM) and the Malaysian Armed Forces (ATM) in the polygamy application.
1/2019	Confirmation from the Director General of the Malaysian Maritime Enforcement Agency (APMM) on the polygamy application.

This initiative not only contributes to the harmonisation of judicial practices nationwide but also reflects the Sharia judiciary's commitment to upholding the principles of substantive justice, procedural transparency, and the protection of women's rights as existing wives. Moreover, it aligns with the *maqāṣid al-sharī'ah*, particularly in preserving the integrity of the family institution and preventing harm (*darar syarie*) that may arise from decisions made without the involvement of affected and interested parties.

In considering such applications, the Sharia Court considers a set of substantive factors:

- (a) Whether the proposed marriage is 'just and necessary', based on the husband's genuine intention to enter into polygamy, or the health condition of the current wife;
- (b) The financial capability of the husband to support both his existing and prospective dependents;
- (c) The husband's ability and commitment to ensure equal treatment between the wives;
- (d) Whether the consent or views of the existing wife have been obtained;
- (e) Whether the proposed marriage would

result in harm (*darar syarie*) to the existing wife or wives.

The legal requirement of 'just or necessary' under Section 23 establishes a cumulative legal threshold, where an applicant for polygamy must demonstrate both substantive necessity—such as medical, social, or circumstantial grounds—and procedural justice in terms of equitable treatment and financial capacity. Failure to satisfy either provision renders the application invalid, reflecting the law's deliberate design to restrict polygamy to exceptional cases where both 'just or necessary' can be convincingly proven¹⁵.

For example, in *Ruzaini Hassan v. Nurhafizah*,¹⁶ the application was dismissed due to insufficient income, despite the first wife's support. Conversely, in *Rajamah Mohamad v. Abdul Wahab Long*, the court, upon appeal, annulled permission after discovering that the husband had misrepresented his income during the polygamy hearing, thereby failing to satisfy the statutory conditions. The court's reasoning underscores the centrality of financial transparency and capacity in determining eligibility for polygamous marriage. Importantly, the requirement of justice in such applications is interpreted in a pragmatic sense, focusing on tangible and measurable factors such as financial provision, adequate housing, and equitable allocation of time, rather than on subjective dimensions of emotional affection or love, which remain beyond judicial scrutiny¹⁷.

The provisions governing polygamous marriage reveal that the IFLA extends multi-layered protection to women's rights at

¹⁵ Zanariah Noor, "Gender Justice and Islamic Family Law Reform in Malaysia," *Kajian Malaysia*, vol. 25, no. 2 (2007), p. 280.

¹⁶ (2012)

¹⁷ Zanariah Noor, "Gender Justice and Islamic Family Law Reform in Malaysia," *Kajian Malaysia*, vol. 25, no. 2 (2007), p. 280.

different stages of the marital process. First, protections are embedded prior to the solemnisation of a polygamous marriage, where judicial scrutiny acts as a safeguard against potential injustice under Section 23 of the IFLA. Second, during the subsistence of the marriage, the rights of wives are preserved through statutory requirements that mandate justice and equality, with Section 128 of the IFLA imposing penalties on a husband's failure to fulfill these obligations. Finally, post-contractual safeguards are reinforced under Section 123 of the IFLA, which prescribes penalties for noncompliance with the requirement to register a polygamous marriage, thereby ensuring that such marriages are subjected to legal oversight and accountability. Collectively, these provisions demonstrate the Act's intention to align the practice of polygamy with the Qur'anic principles of fairness and non-harm, ensuring that such marriages are not entered into arbitrarily but in a manner that upholds both ethical and legal standards.

Studies and case law further confirm that the principle of equality is actively upheld in Sharia Court decisions concerning polygamous marriage. The judiciary plays a pivotal role by meticulously examining the husband's financial capacity, moral responsibility, and ability to maintain equitable treatment. Where these conditions are not convincingly met, permission is denied—even in situations where the existing wife consents¹⁸. In *Ruzaini v. Nurhafizah*¹⁹, for instance, the court refused to

authorise the husband's application despite the first wife's agreement, because the husband was unlikely to fulfil his obligations reasonably. The judgment underscores the court's critical gatekeeping function in protecting women from potential harm and in preventing polygamy from being used as a vehicle for injustice or neglect.

Nonetheless, despite these legislative and judicial safeguards, compliance in practice remains problematic. Statistical evidence suggests that while the incidence of registered polygamous marriages is relatively low, there is a significant prevalence of unregistered or illegal polygamous marriages, where subsequent marriages bypass formal procedures²⁰. This phenomenon reflects a disjunction between law and practice, with many men circumventing judicial oversight by citing the procedural complexities and bureaucratic hurdles involved in obtaining court authorisation²¹. Such trends raise concerns about the effectiveness of the legal framework, as the very protections designed to uphold women's rights may be undermined when the regulatory process is avoided altogether.

Weaknesses in the Implementation of Polygamy-Related Provision

A polygamous marriage solemnised without prior consent from the court is categorised as a marriage conducted in contravention of administrative procedures. Specifically, it refers to a marriage solemnised

¹⁸ Raudlotul Firdaus Fatah Yasin and Mohd Shah Jani, "A Critical Review of the Legal Provisions Governing Polygamous Marriage in Malaysia," *International Journal of Contemporary Applied Sciences* 2, no. 7 (July 2015): 14–31.

¹⁹ (2002) *Jurnal Hukum*, p.79.

²⁰ Orzala Ashraf Nemat, "Comparative Analysis of Family Law in the Context of Islam", paper presented at the

Roundtable Conference, Kabul, Afghanistan, 15–17 August 2006.

²¹ Nurulbahiah Awang, "The Right Concept and Application of Polygamous Marriage in Malaysia: An Analysis to the Role of Court under the Provision of Islamic Family Law (Federal Territories) Act 1984," *Ahwal* 17, no. 1 (2024): 58–70.

without obtaining formal approval from the Registrar of Muslim Marriages, Divorces, and Ruju' in the relevant district. Noncompliance with the requirements of IFLA constitutes a prosecutable offence under the Shariah Criminal Procedure (Federal Territories) Act 1997, as both statutes operate conjunctively in enforcing matrimonial offences. Consequently, contracting a polygamous marriage without prior court approval constitutes a matrimonial offence under Section 123 of the IFLA. It is classified as a non-seizable offence, meaning that an arrest cannot be effected without a warrant issued by the court pursuant to Section 2 of the Shariah Criminal Procedure (Federal Territories) Act 1997. Legal proceedings may only commence when the Sharia Public Prosecutor establishes a *prima facie* case, leading to trial and, if convicted, the imposition of penalties in accordance with statutory provisions²².

The codification of matrimonial offences under IFLA is a modern legislative development, rather than a direct derivation from classical Islamic legal sources. This contemporary initiative aims to strengthen the administration of Sharia law and ensure the effective enforcement of matrimonial rights and responsibilities. In essence, these reforms aim to foster legal certainty, institutional integrity, and alignment with the higher objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly the preservation of public welfare

(*maslahah*) and the protection of family harmony within the Muslim community²³.

In Islamic jurisprudence, offences explicitly prescribed in the Qur'an and Sunnah are categorised as *hudud* or *qisas*, both of which carry fixed punishments proportionate to the gravity and nature of the transgression²⁴. Offences not explicitly addressed in primary sources but introduced by authorities are classified as *ta'zir* offences, granting judges discretionary power to determine appropriate punishments based on the circumstances of each case²⁵. Matrimonial offences under IFLA fall within this category. The law prescribes penalties such as fines or imprisonment, which are not directly mandated in the Qur'an or Sunnah, thereby conferring judicial discretion aimed at cultivating ethical behaviour and public accountability, rather than imposing undue societal hardship²⁶.

Nevertheless, discretionary sentencing in *ta'zir* cases raises critical questions regarding consistency and predictability in the administration of justice. While flexibility enables context-sensitive adjudication, it may also generate perceptions of unequal treatment, particularly when similar offences attract markedly different penalties. This underscores the necessity for clear sentencing guidelines within the *ta'zir* framework to ensure that judicial discretion operates in a transparent, fair, and uniform manner, in

²² Shadli Sabarudin, Aishah Mohd Nor, and Rafeah Saidon, "Analisis Pembuktian Prima Facie Berdasarkan Sabitan Qarinah dalam Kesalahan Matrimoni di Mahkamah Syariah Selangor," *Journal of Contemporary Islamic Studies* (JCIS) 8, no. 2 (2022): 79–92.

²³ Anwarullah, *Principles of Evidence in Islam* (Kuala Lumpur: A.S. Noordeen, 2004).

²⁴ Ibn Rushd al-Qurtubi, *Bidayat al-Mujtahid wa Nihayat al-Muqtasid* (Beirut: Dar al-Kotob al-Ilmiyah, 2003); Mohd Zawawi and Nadzrah Hussin, "Forgiving the Enemy: A

Comparative Analysis of the Concept of Forgiveness in Shari'ah and Malaysian Law," *Pertanika Journal of Social Sciences and Humanities* 23 (2015): 43–54.

²⁵ Abdul Karim Zaidan, *Al-Wajiz fi Usul al-Fiqh* (Beirut: Muassasah al-Risalah, 2001).

²⁶ Aishah Mohd Nor, Shadli Sabarudin, and Rafeah Saidon, "Factors Influencing the Degree of Penalties for Matrimonial Offenders in the Selangor Shariah Court of Malaysia," *International Journal of Religion* 5, no. 10 (2024): 2209–2219.

accordance with *maqāṣid al-sharī'ah* principles²⁷.

Analysis of the unreported Sharia Court files reveals the courts' application of discretionary sentencing. In *Pendakwa Syarie v. Rozanna binti Abdul Latif*²⁸, the accused, an administrative assistant earning RM2,000 monthly and caring for her mother and disabled sister, was found guilty of contracting a polygamous marriage without court approval. The court imposed a lighter sentence of RM400 or, in default, two weeks' imprisonment, considering her financial and caregiving constraints. By contrast, her husband, a farmer with a monthly income of RM5,000, received a harsher penalty of RM900 or three weeks' imprisonment, reflecting the court's assessment of his greater financial capacity.

In cases involving public officials, the courts adopt a more stringent approach, as seen in *Mohd. Daud v. Pendakwa Syarie*²⁹, Judge Shukran Yusof emphasised that as a Member of Parliament, the accused was fully aware of the legal requirements for polygamous marriages. His deliberate bypass of statutory procedures was interpreted as an intentional violation of both legal and religious obligations, resulting in a conviction under Section 123 IFLA. Similarly, in *Suhairi bin Supian v. Pendakwa Syarie*³⁰, the accused's defiance of a prior court order prohibiting marriage outside Malaysia was deemed a serious breach of legal and

institutional integrity. The court highlighted the potential impact of leniency on public confidence, noting that deliberate disobedience undermines the authority of Islamic institutions, including the Shariah Court and the Islamic Religious Department.

Interestingly, courts do not always mitigate penalties for first-time offenders. In *Pendakwa Syarie v. Syed Muhammad bin Syed Shahrom*³¹ and *Pendakwa Syarie v. Ainun Humaira binti Basri*³², first-time offenders were subjected to the maximum statutory fine of RM1,000 or equivalent imprisonment, highlighting the primacy of upholding the legal order over personal circumstances in some instances. The different judicial approaches to determine penalties in polygamous-related matrimonial offences can be summarized in Table 3.

Table 3: Judicial Approaches Taken to Determine Penalties in Polygamous-Related Matrimonial Offences

Judicial Consideration	Explanation
Financial Capacity ³³	Penalties tailored according to the offender's financial position and caregiving obligations.
Social and Professional Status ³⁴	Higher penalties imposed on individuals with public responsibilities to reflect accountability
Deliberate Disobedience of Court Orders ³⁵	Strict sentencing to deter similar acts and safeguard institutional credibility.
First Offence ³⁶	Not automatically mitigating where the offence undermines legal or social order.

²⁷ Shadli Sabarudin, Aishah Mohd Nor, and Rafeah Saidon, "An Analysis of the Penalties Imposed on Matrimonial Offenders in the Selangor Shariah Court of Malaysia," *Journal of Legal, Ethical and Regulatory Issues* 26 (2023).

²⁸ Case No.: 10010-147-0088-2019

²⁹ Case No.: 10010-166-0001-2008

³⁰ Case No.: 10010-166-0026-2012

³¹ Case No.: 10023-166-0027-2022

³² Case No.: 10023-165-0029-2022

³³ *Pendakwa Syarie v. Rozanna binti Abdul Latif*, Case No.:

10010-147-0088-2019

³⁴ *Mohd. Daud v. Pendakwa Syarie*, Case No.: 10010-166-0001-2008

³⁵ *Suhairi bin Supian v. Pendakwa Syarie*, Case No.: 10010-166-0026-2012

³⁶ *Pendakwa Syarie v. Syed Muhammad bin Syed Shahrom*, Case No.: 10023-166-0027-2022; *Pendakwa Syarie v. Ainun Humaira binti Basri*, Case No.: 10023-165-0029-2022

Judicial Consideration	Explanation
Public Interest and Institutional Integrity ³⁷	Emphasis on protecting the authority of Sharia institutions and maintaining public confidence.

These cases reveal the varying approaches adopted by judges in determining matrimonial offences, thereby raising critical questions concerning the consistency and coherence of judicial discretion in the application of *ta'zir* punishments. Such disparities in sentencing may inadvertently give rise to perceptions of judicial bias, unequal treatment, or arbitrariness in the administration of justice, ultimately undermining public confidence in the integrity of the Sharia legal system.

Moreover, the issue of judicial discretion extends beyond procedural compliance in polygamous marriages to the broader protection of women's rights under Islamic family law. Section 128 IFLA explicitly criminalises the husband's failure to provide proper justice to his wife in accordance with *Hukum Syarak*, prescribing a penalty of up to RM1,000, six months' imprisonment, or both. This provision reflects the legislator's intent to uphold the ethical and equitable treatment of wives as a core principle of Islamic justice. However, inconsistent enforcement or lenient interpretation of such provisions may further exacerbate perceptions of inequality and arbitrariness within the Sharia legal system, particularly in cases where wives are left vulnerable due to judicial inaction or minimal penalties imposed on offending husbands. In this regard, uniformity and principled sentencing in *ta'zir* offences become essential not only for upholding legal certainty but also for safeguarding the moral objectives (*maqāṣid*

al-sharī'ah) of family justice.

Upon resolution of a matrimonial offence—typically through the payment of a fine or serving the applicable sentence—the parties may proceed to register their marriage under Section 12 of the IFLA, provided it meets the requirements of *Hukum Syarak*. While this mechanism ensures that marriages ultimately comply with administrative requirements, it may also create the perception that violations of statutory procedures can be easily remedied retroactively, thereby inadvertently legitimising initial noncompliance. This scenario exposes structural weaknesses in the enforcement of polygamy-related provisions under the IFLA.

The ability to retrospectively validate polygamous marriages undermines the deterrent function of the law, as individuals can circumvent prior approval requirements and subsequently seek registration without significant consequence. Although the Sharia Court retains the authority to impose penalties for such procedural breaches, these sanctions are frequently perceived as lenient and readily discharged. Consequently, the efficacy of the law in discouraging noncompliance is diminished, potentially eroding public confidence in the enforcement of Sharia legal norms and the integrity of institutional oversight.

Critically, this dynamic raises broader questions regarding the balance between procedural compliance, legal deterrence, and the protection of spouses' rights. While post-facto registration facilitates legal regularisation and protects parties from prolonged uncertainty, it may simultaneously signal that administrative obligations are

³⁷ Mohd. Daud v. Pendakwa Syarie, Case No.: 10010-166-0001-2008; Suhairi bin Supian v. Pendakwa Syarie, Case

No.: 10010-166-0026-2012

secondary to religious validity, thereby weakening the normative force of statutory requirements. From a *maqāsid al-sharī'ah* perspective, such practices risk compromising the objectives of justice (*ḥifẓ al-'adl*), public welfare (*maslahah*), and the protection of family integrity, underscoring the need for reforms that strengthen preventive oversight and enhance the consistency and proportionality of judicial sanctions.

Legal Implications of Polygamous Marriage Summarised Without the Court's Consent

The registration of a polygamous marriage is a critical legal requirement in Malaysia, serving to safeguard the rights of all parties involved, particularly the wife. While a marriage may be valid under *Hukum Syarak*, failure to comply with statutory registration procedures under the IFLA can result in significant legal and administrative consequences³⁸. An unregistered wife may be barred from initiating proceedings in the Sharia Court in the event of marital disputes, and she may be unable to claim maintenance, as her marital status is not officially recognised³⁹.

The implications extend further in the event of the husband's death, as the unregistered wife may face considerable difficulties asserting inheritance rights. Although registration does not affect the intrinsic validity of a marriage solemnised according to *Hukum Syarak*, it is essential for enforcing rights and obligations under

Malaysian family law. Section 34 of IFLA clarifies that while registration does not determine religious validity, it functions as a crucial legal safeguard to protect spouses in situations involving disputes, maintenance claims, or inheritance.

This principle is illustrated in several judicial decisions. For example, in *Mohd Azam Shariff v. Che Norina Long*⁴⁰, the parties solemnized their marriage in Songkhla, Thailand, and later applied for registration in the Sharia Court of Penang. After evaluating supporting evidence, including testimony from two witnesses and a marriage certificate issued by the Islamic office in Songkhla, the Sharia Court affirmed that the marriage was valid under *Hukum Syarak* and eligible for registration. Similarly, in *Mohd Yusuf bin Idris and Zuraidda binti Muhamed Zain*⁴¹ and *Mohamed Tahir bin Md. Khalil v. Pendakwa Syarie*⁴², marriages solemnised abroad without prior court consent were recognised as valid under *Hukum Syarak*; however, the parties were subsequently penalised under Section 123 IFLA for procedural violations, receiving fines and custodial sentences.

The courts have distinguished between marriages conducted under exceptional circumstances, such as the appointment of a *wali hakim* due to untraceable guardians or severe social challenges, and those solemnized by unauthorized Qadis or syndicates, which are treated more severely due to potential fraud and manipulation. For example, in *Che Alias Che Muda and Nor Azura Mohd Radzi*⁴³, the court

³⁸ Sarah Tajul Urus and Alias Azhar, "Implications of Matrimonial Offences Towards the Family Institution in the Era of Globalisation," *International Journal of Law, Government and Communication* 5, no. 20 (2020): 57–68.

³⁹ Asiah Bidin et al., "Procedures Noncompliance in Muslim Marriage Application: A Case Study in Syariah Courts in Terengganu, Malaysia," *Advances in Social*

Science, Education and Humanities Research 203 (2018): 425–429.

⁴⁰ (1999) *Jurnal Hukum* XVIII

⁴¹ Case No: 14600-010-1-0115-2011

⁴² [2003] 23/II *Jurnal Hukum*, p. 229, Case No: 14500-101-009-2003).

⁴³ [2000] 35/1 *Jurnal Hukum*, p. 139

held that a marriage solemnised by an unauthorised Qadi in the Province of Narathiwat, Southern Thailand, which did not comply with *Hukum Syarak*, was invalid, and consequently ordered the parties to be separated. This case reinforces the principle that procedural compliance, while important, is only one element of legal scrutiny; the religious validity of the marriage under *Hukum Syarak* remains the primary determinant.

A marriage that conforms to *Hukum Syarak* is considered valid and may be registered in Malaysia⁴⁴. Conversely, if the solemnisation fails to satisfy the essential conditions prescribed by *Hukum Syarak* or does not comply with relevant fatwa rulings⁴⁵, the Sharia Court may declare the marriage invalid. This underscores that religious compliance serves as a fundamental criterion alongside administrative registration, ensuring that both legal and ethical standards are upheld.

Despite these safeguards, practical challenges persist. Not all individuals who solemnise marriages abroad proceed to register them in Malaysia. Non-registration may obstruct administrative recognition, particularly in the registration of children's birth certificates. According to the National Registration Department, failure to register a marriage in accordance with the state Islamic Religious Council's requirements results in the denial of birth registration for children born from such marriages.

Critically, unregistered wives are precluded from seeking legal remedies in the

Sharia Court. In cases of divorce, maintenance claims, *iddah* entitlements, or inheritance, their lack of formal recognition denies them access to justice and the protections available to women in registered marriages. This legal gap underscores a tension between religious validity and administrative compliance. While *Hukum Syarak* may deem a marriage valid, statutory requirements determine the enforceability of rights and access to legal remedies⁴⁶.

From a policy perspective, these contextual challenges underscore the need for reforms that enhance preventive oversight, integrate administrative and religious compliance, and safeguard the welfare of vulnerable parties. Without such measures, procedural violations may be retrospectively legitimised through post-facto registration, diminishing the deterrent effect of penalties and potentially undermining public confidence in the Sharia legal system. Incorporating principles of *maqāṣid al-sharī'ah*, particularly the protection of lineage (*ḥifẓ al-nasl*), wealth (*ḥifẓ al-māl*), and justice (*ḥifẓ al-'adl*), can guide the development of policies that balance religious autonomy with gender justice and social welfare.

Therefore, registration is indispensable for ensuring that polygamous marriages, while valid under Islamic law, are legally enforceable and protective of spouses' rights. Effective enforcement, consistent penalties, and streamlined administrative procedures are essential to safeguard women's rights, uphold

⁴⁴ Asiah Bidin et al., "Procedures Noncompliance in Muslim Marriage Application: A Case Study in Syariah Courts in Terengganu, Malaysia," *Advances in Social Science, Education and Humanities Research* 203 (2018): 425–429.

⁴⁵ Bahagian pengurusan Fatwa (2010), *Kompilasi pandangan Hukum (Muzakarah Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama*

IslamMalaysia), Kuala Lumpur: Jabatan Kemajuan Islam Malaysia (JAKIM).

⁴⁶ Laila Salikin Wan Ibrahim and Norsuhaida Che Musa, "Legal Implication of Unregistered Polygamous Marriages Without Court Permission in Negeri Sembilan," *Salam Digest: Syariah and Law Undergraduate Symposium* 1, no. 1 (2023): 71–80.

institutional integrity, and maintain public trust in the Malaysian Islamic family law framework.

Findings and Suggestions

The provisions governing polygamous marriages in Malaysia are often perceived as complex and cumbersome, prompting some individuals to contract marriages first and pursue registration later. From the respondents' perspective, the legal procedures are burdensome, time-consuming, and occasionally inconvenient. Conversely, the legislature and judiciary view these provisions as essential safeguards for the rights and welfare of spouses, as well as their children. A case illustrating this tension is *Mohd Azwan bin Abdul Rahman and Siswati binti Asah*⁴⁷, in which the couple solemnised their marriage in Pattani, Thailand, citing that Thai procedures were simpler and could be completed in a single day, unlike the more stringent Malaysian requirements. The court ultimately recognised the marriage as valid, as it fulfilled the requirements of *Hukum Syarak*.

A common motivation for entering into polygamous marriages without prior court consent is the desire to circumvent the procedural safeguards established under Section 23 of the IFLA. Some husbands avoid disclosure to their existing wives, while others fear being deemed legally ineligible to enter into additional marriages. The statutory provision that permits registration of a polygamous marriage post-facto, so long as it complies with *Hukum Syarak*, has inadvertently created a legal loophole. This has contributed to the emergence of marriage syndicates that exploit the system, offering services to facilitate quick, discreet polygamous marriages for couples seeking to bypass Malaysian legal

requirements.

The current penalties, namely fines not exceeding RM1,000 or imprisonment of up to six months, are insufficient to deter such violations. The ability to appeal custodial sentences further weakens the law's deterrent effect and diminishes public confidence in the enforcement of Sharia provisions.

Polygamous marriage under Islamic law imposes specific obligations on husbands, including equitable treatment, adequate maintenance, and moral conduct towards all spouses. The provisions under IFLA are designed to uphold these responsibilities and protect the rights of all parties. However, frequent noncompliance underscores enforcement gaps that compromise both legal certainty and the protection of vulnerable parties, particularly wives and children.

In light of these findings, several reforms are recommended:

1. Comprehensive Review of Legal Provisions

Empirical research should be conducted to identify legal loopholes, enforcement deficiencies, and patterns of noncompliance in polygamous marriages. While Section 23 of IFLA, alongside Practice Directions No. 2/2007, 1/2019, and No. 7/2021, prescribes specific conditions, the post-facto registration allowance undermines prior court approval and facilitates circumvention.

2. Strengthening Enforcement Mechanisms

The statutory framework and its implementation should be revisited to ensure that procedural requirements are respected. Greater consistency in the imposition of penalties, including more substantial fines or alternative corrective measures, can enhance compliance and reinforce the authority of the

⁴⁷ Case No: 14600-101-0009-2010

Sharia legal system.

3. Public Awareness and Education

Targeted campaigns should raise awareness about the legal implications of unregistered polygamous marriages. Emphasising the potential risks to women and children, including challenges in maintenance claims, inheritance, and access to justice, can promote voluntary compliance and foster an informed, responsible approach to marriage.

4. Integration of *Maqāṣid al-Sharī'ah* and Gender Justice

Reforms should be guided by the higher objectives of Islamic law, particularly the protection of family welfare (*maslahah*), justice (*'adl*), and lineage (*hifẓ al-nasl*). Aligning statutory requirements with these objectives ensures that both legal and ethical standards are upheld, promoting fairness and accountability.

Ultimately, a combination of legal reform, stricter enforcement, and public education is essential to curtail the practice of contracting polygamous marriages without prior court consent, thereby safeguarding the rights of wives and children and preserving the integrity of Malaysia's Islamic family law system.

Conclusion

This study examined the legal framework governing polygamous marriages in Malaysia, with a particular focus on Section 23 of the Islamic Family Law Act (IFLA) and the legal consequences of contracting polygamous marriages without prior court consent. The findings indicate that, although the statutory framework is designed to protect the rights of husbands, wives, and children, its enforcement is inconsistent, and the allowance for post-facto registration undermines procedural

safeguards. Consequently, unregistered or informal polygamous marriages persist, exposing women and children to significant legal and social vulnerabilities.

The practice of circumventing legal procedures reflects both practical and socio-cultural challenges, including perceived procedural complexity, fear of legal disqualification, and reluctance to disclose intentions to existing spouses. These factors illustrate a gap between the intended protective function of the law and its real-world application, with severe consequences for women, including loss of access to maintenance, inheritance, and other legal remedies. The involvement of marriage syndicates and the relative leniency of penalties under Section 123 exacerbate these vulnerabilities, highlighting structural enforcement deficiencies.

From a theoretical perspective, the study situates its findings within the framework of *maqāṣid al-sharī'ah*, emphasising the objectives of justice (*'adl*), welfare (*maslahah*), protection of lineage (*hifẓ al-nasl*), and moral integrity (*hifẓ al-'urf*). The current regulatory and enforcement gaps compromise these objectives by leaving wives and children exposed to legal insecurity, thus undermining both ethical and institutional goals of Islamic family law. Incorporating a gender justice lens, the study highlights how inadequate enforcement disproportionately affects women, limiting their legal agency and access to protections guaranteed under both Islamic and statutory law.

Policy recommendations derived from this analysis are threefold: (i) legal reform to close loopholes in post-facto registration and strengthen penalties; (ii) enhanced enforcement mechanisms and monitoring to ensure consistent application across states;

and (iii) public education and awareness campaigns to inform individuals of the legal and ethical implications of unregistered polygamous marriages, particularly regarding the rights of wives and children. These recommendations are grounded in the principles of *maqāṣid al-sharī'ah* and gender justice, aiming to promote both legal certainty and equitable family outcomes.

In conclusion, this study contributes to the broader discourse on Islamic family law reform by highlighting the interplay between religious validity, procedural compliance, and gendered rights. By situating Malaysia's experience, the study underscores the urgent need for reforms that balance the objectives of Sharia with administrative effectiveness and women's legal protection, offering a roadmap for harmonising law, practice, and social justice in contemporary Muslim societies.

Credit Authorship Contribution

Zuliza Mohd Kusrin conceptualised the research idea, developed the overall structure of the study, and drafted the introduction and conclusion. Aishah Mohd Nor constructed the theoretical framework, analysed key Shariah legal principles, and refined the core arguments. Shadli Sabarudin contributed to the methodological design, reviewed essential references, and provided critical insights to ensure academic coherence. Ruzita Ramli supported the collection of legal data, contributed to the case analysis, and assisted in integrating practical perspectives from the Syariah judiciary context. All authors contributed substantially to the writing process, collaborated in revising the manuscript, and approved the final version for publication.

Declaration of Competing Interest

The authors declare that they have no known financial, institutional, or personal conflicts of interest that could have influenced the findings or interpretations presented in this research.

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References

- Abdul Karim Zaidan. *Al-Wajiz fi Usul al-Fiqh*. Beirut: Muassasah al-Risalah, 2001.
- Abdussalam Muhammad Shukri and Musa Yusuf Owoyemi. "Sisters in Islam's Quest for the Reinterpretation of the Qur'an and Hadith: An Analysis of Their Views on Equality, Women Judges, and Polygamy." *Kajian Malaysia* 32, no. 1 (2014): 55–80.
- Agnes Maria Janni Widyawati and Heri Purnomo. "Polygamous Marriage Review from Law Number 1 of 1974 Concerning Marriage." *UNTAG Law Review* 5, no. 2 (2022): 62–69.
- Aishah Mohd Nor, Shadli Sabarudin, and Rafeah Saidon. "Factors Influencing the Degree of Penalties for Matrimonial

- Offenders in the Selangor Shariah Court of Malaysia." *International Journal of Religion* 5, no. 10 (2024): 2209–2219.
- Al-Qurtubi, Ibn Rushd. *Bidayat al-Mujtahid wa Nihayat al-Muqtasid*. Beirut: Dar al-Kotob al-Ilmiyah, 2003.
- Anwarullah. *Principles of Evidence in Islam*. Kuala Lumpur: A.S. Noordeen, 2004.
- Asiah Bidin, Kamaliah Salleh, Akmal Mohamad, Noraida Harun, and Noor' Ashikin Hamid. "Procedures Noncompliance in Muslim Marriage Application: A Case Study in Syariah Courts in Terengganu, Malaysia." *Advances in Social Science, Education and Humanities Research* 203 (2018): 425–429.
- Creswell, John W. *Research Design: Qualitative, Quantitative, and Mixed Method Approaches*. Thousand Oaks, CA: Sage, 2003.
- Hamidah Harun, *Perkahwinan Tanpa Kebenaran di Mahkamah Syariah Wilayah Persekutuan Kuala Lumpur* (unpublished dissertation, Universiti Kebangsaan Malaysia, Bangi, 2013).
- Hamka Hasan, Asep S. Jahar, Nasaruddin Umar, and Irwan Abdullah. "Polygamy: Uncovering the Effect of Patriarchal Ideology on Gender-Biased Interpretation." *HTS Teologiese Studies/Theological Studies* 77, no. 1 (2021): 1–9.
- Hatch, J. Amos. *Doing Qualitative Research in Education Settings*. Albany: SUNY Press, 2002.
- Jaidun. "Implikasi Hukum Terhadap Poligami Tanpa Izin dalam Perspektif Hukum Islam." *Jurnal Hukum dan HAM Wara Sains* 2, no. 5 (2023): 337–348.
- Laila Salikin Wan Ibrahim and Norsuhaida Che Musa. "Legal Implication of Unregistered Polygamous Marriages Without Court Permission in Negeri Sembilan." *Salam Digest: Syariah and Law Undergraduate Symposium* 1, no. 1 (2023): 71–80.
- Mohd Nasran, *Perkahwinan Luar Negara Tanpa Kebenaran di Selatan Thailand* (unpublished master's thesis, Fakulti Pengajian Islam, Universiti Kebangsaan Malaysia, Bangi, 2008).
- Mohd Zawawi and Nadzrah Hussin. "Forgiving the Enemy: A Comparative Analysis of the Concept of Forgiveness in Shari'ah and Malaysian Law." *Pertanika Journal of Social Sciences and Humanities* 23 (2015): 43–54.
- Nurulbahiah Awang. "The Right Concept and Application of Polygamous Marriage in Malaysia: An Analysis to the Role of Court under the Provision of Islamic Family Law (Federal Territories) Act 1984." *Ahwal* 17, no. 1 (2024): 58–70.
- Orzala Ashraf Nemat, *Comparative Analysis of Family Law in the Context of Islam*, paper presented at the Roundtable Conference, Kabul, Afghanistan, August 15–17, 2006.
- Rafeah Saidon, Hanifah Musa Fathullah Harun, Zakiah Samori, Fadhilah Adibah Ismail, and Nur Zahidah Hj Jaapar. "Regulating Polygamous Marriage to Prevent Its Abuse: A Case Study of Malaysia." *Pertanika Journal of Social Science and Humanities* 25, Special Issue (2017): 197–208.
- Raudlotul Firdaus Fatah Yasin and Mohd. Shah Jani. "A Critical Review of the Legal Provisions Governing Polygamous Marriage in Malaysia." *International Journal of Contemporary Applied Sciences* 2, no. 7 (July 2015): 14–31.
- Sabila Naseer, Sehrish Farooq, and Farah Malik. "Causes and Consequences of Polygamy: An Understanding of Coping Strategies

- by Co-Wives in Polygamous Marriage." *ASEAN Journal of Psychiatry* 22, no. 9 (November 2021): 1–10.
- Sarah Tajul Urus and Alias Azhar. "Implications of Matrimonial Offences Towards the Family Institution in the Era of Globalisation." *International Journal of Law, Government and Communication* 5, no. 20 (2020): 57–68.
- Shadli Sabarudin, Aishah Mohd Nor, and Rafeah Saidon "An Analysis of the Penalties Imposed on Matrimonial Offenders in the Selangor Shariah Court of Malaysia." *Journal of Legal, Ethical and Regulatory Issues* 26 (2023).
- Shadli Sabarudin, Aishah Mohd Nor, and Rafeah Saidon. "Analisis Pembuktian Prima Facie Berdasarkan Sabitan Qarinah dalam Kesalahan Matrimoni di Mahkamah Syariah Selangor." *Journal of Contemporary Islamic Studies (JCIS)* 8, no. 2 (2022): 79–92.
- Shinta Dewi Rismawati, and Muhammad Abral Abu Bakar. "Polygamy Marriage: Legal Culture, Optional Political Identity and Marital Status Dilemma (A Case Study in Pekalongan)." *Al-Ihkam* 14.2 (2019): 234–264.
- Yelwa, Isa Mansur. "Law Reform in the Muslim World: A Comparative Study of the Practice and Legal Framework of Polygamy in Selected Jurisdictions." *International Journal of Business and Law Research* 2, no. 3 (September 2014): 32–44.
- Zanariah Noor, "Gender Justice and Islamic Family Law Reform in Malaysia," *Kajian Malaysia* 25, no. 2 (December 2007): 280.
- Zanariah Noor. "Wanita Islam dan CEDAW: Isu-Isu Berkaitan dengan Undang-Undang Kekeluargaan Islam di Malaysia." *Jurnal Syariah* 31, no. 1 (2023): 1–38.