



HARMONISATION OF THE SHARĪ'AH AND CIVIL LAWS

**ABDUL HASEEB ANSARI
SYED KHALID RASHID**

Research Management Centre
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIAN



**HARMONISATION OF THE
SHARĪ'AH AND CIVIL LAWS
(PERSPECTIVE AND PRACTICE)**

EDITORS

ABDUL HASEEB ANSARI

SYED KHALID RASHID



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Mek Wok Mahmud
Olorogun Lukman Ayinde

1. Introduction

Marriage as a social institution based on a social contract between individuals encompasses various rights of the parties involved; right from the creation of the world. These responsibilities are shared between the husband and wife. The Biblical and Qur'anic stories indicate that the first man and woman went into marriage after the man fulfilled certain conditions which in turn gave some assumed duties on the wife. The pre-marriage duties or requirements were limited then only to the complexity of their social dealings which is of course limited to a man and a woman (Adam & Eve). Another distinguishing characteristic is their trustworthiness towards their allegiances and the level of commitments to their responsibilities. Thus, there were no requirements of registration of marriage. The generation that followed, which in this research we limit it to the Biblical period, the life before Islam, to their understanding fornication and adultery were prohibited while marriage was legitimized. Therefore, for a marriage to be legal, certain conditions, rites and pre-marriage rituals were standardized to the level of their understanding under the tents of Bible and cultural heritages. To this group also honesty was the scale of measurement and they mostly held their responsibilities. Lastly, is the birth of Islam and Islamic marriage institution which is an embedded aspect of the religion of Islam; this community merged together the attitude inherited