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Al-Shajarah

Volume 24, Issue 2, 2019, Pages 239-266

Minimum age of marriage under Islamic law and the Islamic family law (Federal territories) act 1984: A preliminary study on the ideal age of marriage in Malaysia (Article)

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Abstract

Marriage is a sacred institution, a union entered into in the pursuit of mutual partnership and happiness between a couple. As a religious covenant, the marriage contract is based on several essential requirements and conditions. Under Islamic law, the age factor is not one of the requirements for a valid marriage because neither the Qur'an nor the Sunnah indicates a specific age of marriage that may affect its validity. This has led to an assumption that there is no specific age of marriage under the Islamic law. Nevertheless, Muslim jurists agreed that a person is recommended to marry at an age when he or she understands the nature of the marriage contract so that the marriage goals can be achieved. The issue then arises as to what is the minimum age of marriage when a person is able to comprehend such marriage relationship. This paper seeks to primarily study the issue of minimum age of marriage in Malaysia and the most suitable age of marriage under Islamic law that governs Muslims in Malaysia. The study includes a juristic discourse on the matter, the incorporation of the Hanafi view and its significance on the minimum age of marriage as recognised by Malaysian law. The research adopts a qualitative research methodology which includes an examination of the primary and secondary sources relating to the subject matter. The research provides suggestions for improvement of the law on the minimum age of marriage in Malaysia where relevant and necessary. © 2019, International Islamic University Malaysia. All rights reserved.

Author keywords

Child marriage Islamic law Minimum age of marriage

Funding details

Funding sponsor	Funding number	Acronym
International Islamic University Malaysia	RIGS 17-019-0594	IIUM

Funding text

This article was partly presented in ICLAS 7, 201, 11-13 April 2018, UMS, Kota Kinabalu, Sabah. The research was funded by IIUM RIGS 17-019-0594.

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