

Comparison of Marriage Dissolution from the Perspectives of Civil and Sharia Law in the Federal Territories of Malaysia

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ABSTRACT

This article looks at an analysis of the Law Reform (Marriage and Divorce) Act 1976 [Act 164] ('the LRA') and the Islamic Family Law (Federal Territories) Act 1984 [Act 303] regarding the scope, process and principles for divorce in Malaysia. This article is a comparative study of the two Acts and outlines the marriage duration, forms of divorce, reconciliation process and court jurisdictions. The results suggest Act 164 is relatively secular, primarily concerned with rights of individual and formal judicial due process only, while Act 303 is based on Sharia values that support morality and religious obligations as well as social justice in separation. Despite difference in approach and underlying philosophy, both the legal systems share the common goal of ensuring justice and other welfare interests for couples and the family institution in Malaysia's plural society. The study has dominated positive impacts, in terms of increasing public knowledge about the differences in jurisdiction and principles between two systems, i.e., general law (civil) with Islamic law (Sharia), which will reduce confusion around interfaith divorces or a change of religion. Additionally, this article is an important contribution for policy developers, legal practitioners; religious scholars and family centre in developing more relevant household justice policies to promote interfaith tolerance and social harmony in Malaysia.

Keywords: Comparative Analysis, Dissolution of Marriage, Civil Law, Sharia Law, Malaysia

INTRODUCTION

"Divorce" is one of the essence part of family law, which affects the life of individual as well as society. In Malaysia, the law applicable for dissolving a marriage is quite different with equal jurisdictional rules having been established to cater for both Muslims (Sharia) and Non-Muslims (Civil Law). The contrasts between the two systems have, for centuries now, been fodder for legions of legal scholar and champions of individual rights. According to Sharia (Islamic law), Muslim men are not allowed to ask for the dissolution of their marriage; instead, the "practical term" seeking divorce can be exercised by them in four different ways, namely *ṭalāq* [repudiation], *faṣakh* [annulment], *khulu'* [mutual consent] or *li'ān*. Each procedure has its own legal consequences and specific process respectively. Muslim divorce cases are adjudicated by the Sharia Court, and procedures vary between states (each of which has its own Islamic Family Law Enactment). For non-Muslims, the dissolution may be obtained by way of the Law Reform (Marriage and Divorce) Act 1976 with specific provisions on mutual consent divorce, unilateral divorce, judicial separation and nullity. While the Civil Court handles petitions for divorce by non-Muslim couples, the Marriage Tribunal is a gateway that seeks to effect reconciliation before filing of any petition.

The purpose of the present research is to compare and contrast the divorce process between states in relation to Sharia Courts, and it investigates the mechanism and procedure of non-Muslim marriage dissolution in Malaysia with a concentration on legislation, implementation efficacy, challenges faced by couples filing for divorce. The research shall further analyse cases of concurrent jurisdiction between Sharia and Civil Courts, and its legal significance for divorced couples.

Dissolution of Marriage under Sharia Law

It provides for the dissolution of Muslim marriages such as are regulated by Islamic Law (Sharia law) in Malaysia following the assessment on whether the husband has failed to maintain, protect or house his wife. The goal of such a legal system is to protect the interests of both husband and wife and preserve that its termination should not be abusive but fair, within Sharia principles. But if the marriage is no longer working out because of reasons like incompatibility, abuse or loss of rights, Islam allows for processes through which you can get rid of being married. There are four main types of divorce under Sharia law; *ṭalāq*, *faṣakh*, *khulu'* and *li'ān*. *Ṭalāq* is divorced initiated by the husband through certain formulae or pronouncement, expressed in clear terms or referring to something else. Studies regarding marital dissolution under Islamic Law have defined *ṭalāq* as a decree of divorce by husband whether uttered in clear or metaphorical term. They further state that there are two types of *ṭalāq*: (1) *ṭalāq raj'ī*, which gives the husband a chance to resume relations with his wife during the 'iddah period; and (2) *ṭalāq bain*, in which reconciliation is not allowed except by entering into a fresh *nikah* (Armaz Ariffin et al., 2012).

The Arabic word *talaq* is translated to mean I divorce you. *Talaq* itself has various forms and can be classified into either *ṭalāq raj'ī* with reconciliation during 'iddah or irrevocable *ṭalāq bain* (not allowing reconciliation unless the wife marries another husband). *Faṣakh*, in contrast, is when marriage dissolution is permitted under Shariah law due to the occurrence of something which endangers or causes harm to one of the parties (usually the wife). Grounds for *faṣakh* include the husband's failure to provide maintenance for a particular period, illtreatment imprisonment of the husband beyond a given period, and nonfulfillment of his religious obligations (for example not allowing the wife to exercise her religious clientele). The Sharia Court will evaluate all evidences and testimonies presented before granting any *faṣakh* order (Syazmeen, 2022). In a nutshell, *faṣakh* is judicial dissolution of marriage by the wife due to particular causes such as maltreatment or incompetence on the part of the husband, or breach of rights committed against her. In the *faṣakh* litigation, the court should critically examine the claim of a petitioner before deciding in his/her favor. In contrast, *khulu'* is a form of divorce in which the wife asks for separation from her husband and agrees to return either his *mahr* or some other money to him. This protects the wife's entitlement to terminate a marriage that is no longer viable. *Li'an* can be applied in instances where a man accuses his wife of adultery but he cannot produce what is considered 'legitimate evidence'. In this case, the husband and wife are both required to undergo *li'an* oath before the court and hair-like (automatic) divorce occurs. Implications -As a result of the fact that in divorcing women in Islam has several direct implications that need to be taken into account by both parties, Let's look at some of them. After divorce, a woman has to observe *iddah* before she can remarry and child custody, financial responsibilities are decided by court as per the provisions of Islamic laws.

Process of Marriage Dissolution

Dissolution of marriage under Sharia law in Malaysia is accomplished through various ways, including divorce by the husband and wife (*ṭalāq*), judicial annulment (*faṣakh*), *khulu'*, and *li'ān*. The husband has to "pronounce *ṭalāq* (the Arabic word for divorce)" either before the Sharia Court, or outside the court if he cannot reach it; however in such cases it must be confirmed by the Sharia Court within thirty days. The wife has a right, in the case of judicial dissolution (*faṣakh*), to petition for the annulment of the marriage on particular grounds such as failure by the husband to support her or abuse. There are a number of stages in the divorce case in Sharia Court. It's only after a couple has filed divorce papers and attended a conciliation session (*sulh*) to try reach an amicable solution that the pair's case proceeds to full hearing. In the event that the divorce proceeds, in one application a party has to present evidence and live testimony if necessary. The judge will go through all the evidence before providing a verdict, there's also consideration for where the child is going to stay, and allowance of wife & kids after divorce. Once a divorce is finalised by the court, the couple will have to register their divorces at the State Islamic Religious Office. This procedure is meant to ensure that the marriage is terminated in good reason i.e. using the Islamic and Malaysian legal basis.

Differences in the Procedures of Marriage Dissolution among States

Under the Islamic jurisprudence legal system practised in Malaysia, individual states have passed their own Islamic Family Law Enactment dealing with the voiding of a shariah marriage. While the doctrine of Sharia does

not differ much between states, some aspects of procedure and policy changing with customs. The termination of the marriage is called *ṭalāq*, which may be effected by the husband in repudiation, or at his death. The incidence of divorce has grown since early modern times. But every state has its own laws and regulations dictating the process, terms and grounds for divorce. For example, the Islamic Family Law Enactment of Selangor 2003 requires that an application for *fasakh* must be backed up with strong evidence—like a medical report or witnesses who can attest to the wife's claims. On the other hand, the Kelantan IFL 2002 pays more onus to oaths and oral testimony in deciding *fasakh* cases.

Some states such as Johor and Terengganu have a stricter conciliation (*sulh*) system where couples filing for divorce are forced to attend several *sulh* sessions before being allowed to file a case in the Sharia Court. This is different from places like Perak and Kedah where *sulh* attendance is only compulsory once before the trial. There also are differences in how long divorce cases take to settle. In Penang and Negeri Sembilan, *fasakh* applications may be prolonged as courts demand extensive documentary evidence before making a decision. On the other hand, Pahang and Melaka have a softer stance on witness testimony as the single admissible evidence for *fasakh* cases. Similarly, as to the validation of *ṭalāq*, in many states pronouncement of the *ṭalāq* before Sharia court is necessary to make it legally effective. But in Sarawak and Sabah, there are some scope for leniency where a *ṭalāq taklik* can be legally recognized if reported within seven days, even if the divorce was initially declared outside the court. These distinctions suggest that the Sharia laws in Malaysia are based on the same principles but are implemented according to state's enactment.

Acts Governing the Dissolution of Marriage under Islamic and Civil Family Law

Islamic Family Law (Federal Territories) Act 1984 [Act 303]

Section 45 – Power to Dissolve Marriages

The Court shall have the authority to make any order permitted under this Part and to dissolve any marriage registered under this Act or deemed to have been registered under this Act.

Section 46 – Change of Religion

If either party to a marriage registered under this Act or deemed to be registered under this Act has embraced Islam, the Court may dissolve the marriage upon the application of the party who has embraced Islam.

Section 47 – Divorce by *ṭalāq* or by Order

A husband or wife seeking a divorce shall submit an application for divorce to the Court using the prescribed form, accompanied by a statutory declaration containing:

1. details regarding the marriage and the names, ages, and genders of any children, if any, resulting from the marriage;
2. particulars of the facts giving the Court jurisdiction under Section 45; particulars of any previous proceedings regarding marital matters between the parties, including the venue of such proceedings;
3. a statement of the reasons for seeking divorce;
4. a statement indicating whether any steps have been taken to achieve reconciliation, and if so, the nature of those steps;
5. the terms of any agreement concerning maintenance and residence for the wife and children of the marriage, if any, provisions for the care and custody of the children, if any, and the division of any assets acquired through the joint efforts of the parties, if any; or, if no such agreement has been reached, the applicant's proposals regarding these matters; and (f) particulars of the orders sought.

Section 48 – Arbitrators (Hakam)

If the Court is satisfied that there are reasonable reason to dissolve the marriage and that the divorce cannot be effected by any other means, the Court shall appoint two persons as arbitrators (*hakam*) for the husband and wife respectively and shall refer to them all matters relating to the divorce.

Section 49 – Divorce by *Khul'*

If the husband and wife agree to a divorce by *khul'* or redemption of *ṭalāq*, and the Court is satisfied that the agreement has been made freely by the wife and after due consideration, the Court shall grant the divorce and record the *ṭalāq* pronounced by the husband.

Section 50 – Conditional (*Taklīf*) Divorce

If a condition (*taklīf*) declared by the husband after the marriage contract has been breached and the wife makes a complaint to the Court and the Court is satisfied that the condition is valid and has been breached the Court may issue an order that the marriage be dissolved by *ṭalāq*.

Section 50A – *Li'ān*

If a husband accuses his wife of adultery and is unable to produce four valid witnesses, he may swear *li'ān* before the Court, and the Court may order the dissolution of the marriage.

Section 52 – Dissolution or *Fasakh* by the Court

A woman may apply to the Court to dissolve her marriage, and the Court may grant the dissolution if it is satisfied that there are reasons permitted under Shariah law for such dissolution.

Section 55A – Registration of Divorce Outside the Court

If a divorce has occurred outside the Court, whether by *ṭalāq* or by any other means permitted under Shariah law, the Court may, upon the application of either party, confirm the divorce and order its registration.

(Islamic Family Law (Federal Territories) Act 1984 [Act 303]. (1984). Laws of Malaysia.)

Dissolution of Marriage under Civil Law

The dissolution of marriage under civil law in Malaysia is a process explicitly regulated under the Law Reform (Marriage and Divorce) Act 1976 (Act 164). According to the National Registration Department (JPN), a civil marriage can only be dissolved either through the death of one of the spouses or by a court order issued by a court with proper jurisdiction, as provided under Section 8 of Act 164 (JPN, 2025). The Registrar of Marriages further emphasizes that divorce may only be petitioned after the marriage has lasted for a minimum of two years, except in exceptional circumstances permitted by the court (JPN, 2025).

Jurisdictional cases have been common between the civil courts and Islamic or Sharia Courts especially in matters of conversion to Islam. Mohamed Azam Mohd Adil (2014) stresses that “There is a provision provision in the 1976 Act which confers on the non-Muslim spouse... the right to petition for nullity of marriage three months after one party's conversion to Islam”. Under Section 51 of Act 164, only the non-Muslim partner is allowed to petition for divorce but not a Muslim. This causes issues in relation to the question of fairness and the legitimate expectations of a party, as exemplified by *Eeswari Visuvalingam v. Government of Malaysia* [1990] 1 MLJ 86.

In summary, the nullifying of civil marriages in Malaysia is an *ultra vires* process firmly guided by law to be exercised by the non-Muslim Family Law courts. Changes in religious status or other circumstances do not automatically dissolve a marriage but must be ratified by the court to guarantee protection and rights of both parties under civil law.

Dissolution of Marriage Following Religious Conversion

If a spouse in a civil marriage converts to another religion, the marriage is not immediately dissolved. According to Zaini Yusnita (2017), “When one of the parties to a non-Muslim marriage has been converted into Islam, such act per se does not dissolve his/her marriage unless and until it is declared by court.” This means that the

dissolution must be validated by the civil court (and not the Sharia court), being exclusive jurisdiction provided under Law Reform (Marriage and Divorce) Act 1976 (Act 164).

The right to petition is also conferred under section 51 of Act 164, only for the non-Muslim spouse and three months are required as per the other spouses conversion entry in Islam. Rather, due to their potential retention by a person converted to Islam, the Zaleha Kamaruddin (2011) asserts “a marriage is not automatically null and void when one of the parties converts to Islam.” 2017 However, the amendment to Act 164 in 2017 expanded this freedom to also mualaf or Muslim converts who have the right of presenting a claim at civil court. before the amendment, mualaf did not have any locus standi to seek for dissolution and put the marriage into a divorce situation if only the non-muslim spouse reluctant to file.

Conversion is also a frequent source of tensions between civil and Sharia courts, especially in cases of child custody or property. According to Mohamed Azam Mohamed Adil (2017), the amendment to Act 164 provides “exclusive jurisdiction to the Civil Court” over all matters that arises including maintenance and custody of children. This amendment remedies an unfair situation in the past where it was not within the jurisdiction of the Sharia Court to annul a civil marriage if one party did not convert to Islam. Case law Finally, in Subashini a/p Rajasingam v. Saravanan a/l Thangthoray the Federal Court confirmed that determinations of the Sharia Court could not contradict the jurisdiction of the Civil Court.

A civil marriage may be dissolved for conversion but only up[on an order of the Civil Court. Act 164 of 2017 remedied this inequity by giving similar rights to both spouses to file the petition and the Act eliminated potential jurisdictional disputes while also protecting core constitutional interests.

Differences in the Dissolution of Marriage Between Civil and Sharia Law

The law governing divorce in Malaysia is the Law Reform (Marriage and Divorce) Act 1976 (Act 164). The High Court is the only court in Malaysia that has jurisdiction to dissolve marriages of non-Muslims couples, except for situations where such wedding already dissolved: a) In case of missing spouse; b) Spouse defaulting in appearing before reconciliation tribunal (Norhafeez, 2020). A divorce can be obtained through various means including: mutual consent, contested divorce, judicial separation and annulment. It is issued by the High Court in Malaysia where after three months, it is confirmed with a Decree Nisi Absolute that the marriage was dissolved (JPN, 2025). It takes a lot of paperwork and formalities to have the marriage legally clear as well.

In Islamic law, the annulment of marriages for Muslim couples is the responsibility of The Shariah Court under Islamic law. There are four types of divorce known to Islamic law: talaq, khulu’, fasakh and li’an. The process of divorce commences with a complaint at the district Islamic Religious Department and mandatory counselling for couples who want to get divorced (Khidmat Guaman, 2025). If no resolution is reached through counselling, a divorce petition maybe filed in the Sharia court. After the evidence is evaluated and both parties have consented, a Sheikh Court grants a divorce decree. Other issues, such as maintenance, child custody (*hadhanah*) and equitable division of matrimonial assets are also taken through the Sharia divorce process. It is based on sharia and focuses on fair outcomes under Islamic law.

The dissolution of civil and Sharia marriage are essentially different only as to the form of jurisdiction and procedure. In civil marriages, only the civil courts have jurisdiction in dissolving Act 164 registered marriage while Sharia Court has control over divorces based on Islamic law (Norhafeez, 2020 ; Khidmat Guaman, 2025). Besides, civil divorce includes pre-conditions in the form of minimum length of marriage and reconciliation tribunal procedure, while Sharia divorce involves religious counselling and proceedings under Sharia law. Much can be gained about how cultures respond to the dissolution of a marriage by what is offered for words and tone.

Additionally, the annulment of civil marriages pertains to formal-legal procedures and documents, i.e. issuance and amendment of certificates at JPN (2025). On the other side, Sharia divorce places more importance on moral and religious obligation especially with regards to proper pronouncement of talaq for example and rights for wife and children under Islamic law (Khidmat Guaman, 2025). These discrepancies stem from the fact that there are two parallel legal systems in Malaysia, which actually regulate the dissolution of civil and Sharia marriages according to the religious orientation of the parties involved: each with different procedures and consequences.

Differences in the Duration Between the Civil and Sharia Marriage Dissolution Processes

Civil Marriage Dissolution in Malaysia is subjected to “prescribed period” before a petition for divorce can be filed in Court. R divorce solicitors a) Marriage registration According to the National Registration Department (2025), The date of application for divorce can only be done when two years have elapsed since the date of marriage registration. But a judge may grant an exception to that rule under special circumstances, including in instances of undue hardship or when attempts at reconciliations between parties have failed. Also, if one party does not agree to the divorce then the couple is sent for counselling and reconciliation sessions with Marriage Tribunal before their application could be heard in the court. It is a procedure giving the spouses an opportunity to reunite and mend their relationship before filing the finality of their marriage decree. On the other hand, Norhafeez (2020) highlights that in termination of a civil marriage there exists as well two-stages; issuing Decree Nisi and Decree Nisi Absolute by the High Court. The Decree Nisi is a first stage order which shows evidence that the divorce petition has been agreed and three months later, the final certificate – the Decree Absolute – comes through to validate dissolution of your marriage. Accordingly, from the time a petition is filed for civil marriage dissolution, it may be some months before decree of divorce is granted—not only will a judge need to finish resolving any disputes about the divorce in court.

Unlike in the civil process, a divorce under Islamic law usually is completed more quickly, although it involves multiple counselling stages. As pointed out by Khidmat Guaman (2025), when a Muslim couple wants to get divorced, they have to register their résumé at the District Islamic Religious Department and then attend counselling sessions which would last for about two and half months with maximum of three times. If the counselling is unsuccessful and no reconciliation can be reached, then the divorce application will be lodged in the Sharia Court for continuation of process. This proceeds to afford more weight on religious-based arbitration and diffusion before an actual divorce is acknowledged.

Moreover, the period of waiting from filing a divorce application in Sharia Court is different for each type of divorce. In talak, iddah will by three courses of menstruation/period. For fasakh or khulu‘ cases, however, the court will call for proofs and submit its decision in due course, according to the merits of each case. The Perak Sharia Judiciary Department (2025) reported that the total duration of the entire Divorce Process in Shariah Court is relatively shorter compared to civil court; it all depends on both parties cooperation and effectiveness of Sharia court procedures.

Comparative Analysis of the Islamic Family Law (Federal Territories) Act 1984 [Act 303] and the Law Reform (Marriage and Divorce) Act 1976 [Act 164]

Under the Malaysian legal system, which is based on a dual system of law (Sharia and Civil), divorce proceedings are also regulated by two separate legislative Acts; namely The Islamic Family Law (Federal Territories) Act 1984 [Act 303] and the Law Reform (Marriage and Divorce) Act 1976 [Act 164], which applies to non-Muslims. Comparison: A comparison of the two legislations would reveal profound variations in approach, process and realization of marital dissolution. On the issue of temporal limitation, Act 164 specifically provides that no petition for a divorce shall be instituted within two years from date of marriage (Section 50), except by leave of Court on cause shown and reasons assigned; "cause shown and reasons assigned" mean extreme hardship. Act 303, on the other hand, does not have in place any ‘wheeler-dealer’ minimum time-frame for filing a divorce; an application can be made anytime when there are substantive reasons under Syarak law. This is a reflection of the Sharia’s realistic and results-oriented method for managing marital problems.

As for dissolution on account of religion conversion, section 51 Act 164 states that where a party in a marriage not professing Islam embraces Islam, the other party may petition for divorce after three months from such embrace per forming ends. This is not a two year provision and the Civil Court can grant divorce. Pursuant to ACT 303, Section 46 (2) allows the Sharia Court to dissolve a marriage registered under ACT 164 where one party has converted into Islam. This differentiation has caused jurisdictional disputes in interfaith marriage situations and unilateral religious conversion.

Forms and types of dissolution In terms of the forms and types of dissolution, Act 164 provides for collective divorce (Section 52), unilateral petition, judicial separation and annulment of marriage. Meanwhile, Act 303

further spells out the modes of dissolution under Islamic law such as talak (Section 47), khulu' (Section 49), fasakh (Section 52) taklik (Section 50) and li'an under Section 50A. All these forms have different conditions and procedures, as well as they all create different outcomes in accordance with the teachings of sharia on protection the rights of both husband and wife.

(Reconciliation: Section 55 of Act 164 - The court aid the opportunity to adjourn divorce proceedings to promote reconciliation and refer parties to Marriage Tribunal). Act 303 formalizes the reconciliation sector and as such involves the formal creation of, first, Reconciliation Committee (Jawatankuasa Pendamai, JKP) under Section 47 and Hakam under Section 48 where there is a possibility that the court feels something can still be saved. This shows that when it comes down to Sharia concepts, what ends up being more useful is a formal and negotiation-based process with significant religious underpinnings. Further, Act 303 recognises extrajudicial talak under Section 55A and it permits the court to sanction and direct that the same be registered. However, under Act 164 all divorced must be commenced and decreed by the High Court so no such thing as extra judicial divorce pronouncements.

In general, this side-by-side comparison of these two Acts demonstrates how Malaysia's dual legal system (of secular and religious law) combines the two influences in treatment of divorce-related problems. Although the systems function under entirely different legal structures, collectively they share a common goal of maintaining justice and protection for families following divorce. Thus, a thorough knowledge of both systems is required to keep enforcement officers and the public from becoming confused or experiencing discrepancies or inequalities in the exercise of rights and obligations after a marriage that has ended in divorce.

The comparison made thus shows that Act 303 and Act 164 take different ways for regulating the dissolution of marriage on the grounds of religion of husband and wife. The Sharia law reflects a justice concept premised on the divine law by offering the reconciliatory options like talak, fasakh and khulu' with more legal forms compared to a civil system based on contractual theory which recognises marital failure and pragmatic attitudes. Both systems, however, seek to accomplish the same purpose: the protection of the rights, welfare and dignity of divorced spouses. However, confusion among the public concerning venue and the process can lead to mistakes – competing claims, arrests that overlap or rights lost. Thus, legal literacy training and harmonisation between the Civil and Sharia courts are necessary for fair administration of justice to all citizens.

CONCLUSION

In conclusion, this research shows that the divorce process in Malaysia is symptomatic of the country's dual legal system, meaning it has to comply with Civil as well as Sharia law. PRINCIPLE These two institutions are based upon different philosophy and sources of law, but they aim at reaching the same objective: justice, welfare and safeguard of interests for all concerned in the institution of marriage. Fiqh, administered under the Islamic Family Law (Federal Territories) Act 1984 [Act 303], adopts an approach based on religious and moral values as well as spiritual duties to both spouses and families. The Law Reform (Marriage and Divorce) Act 1976 [Act 164], on the other hand, concerns with issues of human rights, social contract principles and formal judicial process when dealing with non-Muslims.

The most essential distinction between these two Acts is in the process, period, grounds for divorce and jurisdiction of courts. Resolution mechanisms which are advocate on the Sharia Court form of resolution by way of negotiation such as sulh, the Reconciliation Committee (Jawatankuasa Pendamai) and hakam while they Civil Court gives more stress to tribunal and formality process in documentations procedure to prevent voidable divorce. Despite the different methods, these two systems have an important function in securing the rights of spouses and children after a marriage breakdown. Socially, this study is of great importance to the Malaysian community in general towards greater understanding of the scope and limits of jurisdiction as embraced by these two Courts. Such knowledge is essential to prevent public confusion, particularly in matters relating to religious conversion, inter-religious marriage and child custody -- which are often accompanied by intense emotions in a multi-cultural milieu. In addition, the output of this study can be used to provide inputs for policymakers and sharia and civil lawyers, religious experts as well as family organizers in formulating more harmonious; fairer;

and conducive policy procedures with the values of religion which emanating from a policy or regulation on instant divorce compatibleness.

In summary, the co-existence of these two legal systems are not conflicting but rather it reflects Malaysia's legal maturity and its modus operandi in handling such religious and cultural diversity within its population. With more mutual understanding, cooperation and legal literacy, such dual system of law may perhaps become a role model for enhancing harmony, justice and happiness in the family institution in Malaysia.

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