

UUMILC 2017
9TH UUM INTERNATIONAL LEGAL CONFERENCE

**CROSS-BORDER MARRIAGE: DEMOGRAPHIC PROFILES OF
RESPONDENTS IN THE STATE OF PERLIS**

Muhamad Helmi Md Said (a)*, Noraini Md Hashim (b), Nora Abd. Hak (c), Roslina Che Soh
(d)

*Corresponding author

- (a) Faculty of Law, Universiti Kebangsaan Malaysia, Bangi, Selangor, mhelmisaid@ukm.edu.my
(b) Ahmad Ibrahim Kulliyah of Laws, International Islamic University of Malaysia, Gombak, Selangor,
norainim@iium.edu.my
(c) Ahmad Ibrahim Kulliyah of Laws, International Islamic University of Malaysia, Gombak, Selangor,
ahnora@iium.edu.my

Abstract

Marriage is a sacred bond, a tie between a man and a woman. Such relationship is blessed by Allah as it is mentioned in the Quran and the tradition (Sunnah) of the Prophet (pbuh). The laws created by man are meant to streamline the conduct of marriage, apart from the already provided *hukm* laid down in Islam. However, there are people who tend to violate these laws due to their own ignorance and this violation affects the future of such marriage and as well other people who are attached to it. Cross-border marriage is a marriage without permission from the registrar of marriage in each States and its solemnisation can be contracted in Malaysia or outside Malaysia. The purpose of this study is to examine and analyse the demographic profiles among the respondents towards the factors of cross-border marriage among Muslims in Malaysia. The expected sample consists of 100 respondents from one selected state in north Malaysia, bordering Thailand namely Perlis. The questionnaire survey is the main data collection method employed in this study and further supported by semi-structured interview. Based on the findings, the respondents are expected to adhere and abide the regulation and policy in controlling cross-border marriage from worsening in the future.

© 2018 Published by Future Academy www.FutureAcademy.org.UK

Keywords: Demographic Information, Cross-Border Marriage, Court, Respondent.



1. Introduction

Islam is a complete and comprehensive religion within each and every aspect of human life. In order to strengthen the family institution, Islam has laid down the guidelines and perfect rules so as to ensure the family welfare and to keep them in harmony. The Islamic Family Law has been imposed for the purpose of protecting the marriages and divorces for Muslims in Malaysia. In Malaysia, recognition of lawful marriage must abide with two basic conditions which are the pillars of marriage and compliance with Act or Enactment provided in each state in Malaysia.

Despite the fact that available laws relating to solemnisation of marriage are reasonably observable and understandable, such laws are still violated, and this is primarily evident in the conduct of cross-border marriage. Mohamad explains that cross-border marriage refers to marriage solemnised by *Wali Hakim*, which contradicts the Islamic Family Law in each state as the parties to such marriage had failed to get a prior approval or permission from the Registrar of Marriage to get married (Mohamad et. al., 2008, p. 28).

This issue is not a new thing in Malaysia, yet it has become a practice for certain Muslim and it is being overwhelming in all states across Malaysia especially state in Northern Region namely States of Perlis. This matter happens to be easy when there is no special provision or law in Malaysia that combat this problem from lasting. Cross-border marriage has raises many issues and other major problems for Malaysian mainly the Muslims and Malays, particularly in matters of registration of marriage.

For Malaysian that lives in Perlis or any states that bordering Thailand, there are five provinces in southern Thailand which are popular and easy access for parties who wish to get married without the permission of the Malaysian authorities which are Satun, Songkhla, Setul, Narathiwat and Pattani.

1.1. Malaysian Legal Perspective

Basically, Islamic Family Law in Malaysia does not recognise this kind of marriage because it has violated the procedure of marriage under the Islamic Law in Malaysia. The law in Malaysia, especially the Islamic Family Law in each state does not have any specific provision governing the cross-border marriages.

It is to be noted that any kind of marriage taken place in Malaysia must observe the procedures as per required by the Islamic Family Law Act or enactments. The Islamic Family Law Act or enactments stipulates that marriage can only be solemnized by certain individuals like *Wali mujbir* before the registrar, by representative of *wali ijabar*, in front of and with the permission of the Registrar of marriage, marriage registrar himself with the permission of *wali ijabar* and *Wali Raja* who usually happen to be a Judge of Syariah court.

The legal provisions state that *Wali Raja* or the judge, has the power to solemnize a woman who has no *wali nasab* or in cases of *wali enggan* whereby the *wali mujbir* refused to give permission to solemnize the woman.

Apart from that, according to Section 34 of Islamic Family Law (Perlis) Enactment 2006, "Nothing in this Enactment or rules made under this Enactment shall be construed to render valid or invalid any marriage that otherwise is invalid or valid, merely by reason of its having been or not having been registered".

Thus, marriage is still valid according to the *Syara'* even though without registration. According to Section 25 of Islamic Family Law (Perlis) Enactment 2006, the marriage after the appointed date of every person resident in the Perlis and of every person living abroad who is resident in the Perlis shall be registered in accordance with this Enactment.

According to Section 19 of Islamic Family Law (Perlis) Enactment 2006, No marriage shall be solemnized unless a permission to marry has been given;

- a) By the Registrar under section 17 or by the *Syariah* Judge under Section 18, where the marriage involves a woman resident in the Perlis; or
- b) By the proper authority of a State, where the marriage involves a woman resident in that State.

From this section, we can conclude that, the marriage that was carried out without the permission of marriage registrar will be charged with punishment. This punishment is based on the above Section 40 of Islamic Family Law (Perlis) Enactment 2006, which allocates that the offense can be fine not more than one thousand Ringgit Malaysia and imprisonment not more than 6 months or with both.

According to Section 31(1) of the Islamic Family Law (Perlis) Enactment 2006, where any person who is a resident of the Perlis has contracted a valid marriage according to *Hukum Syarak* abroad, not being a marriage registered under Section 24, the person shall, within six months after the date of the marriage, appear before the nearest or most conveniently available Registrar of Muslim Marriages, Divorces, and *Ruju'* abroad in order to register the marriage, and the marriage, upon being registered, shall be deemed to be registered under this Enactment. From this section, it can be inferred that marriage must be registered within 6 months after the marriage before the nearest Registrar as stated in Section 31 of the Islamic Family law (Perlis) Enactment 2006. However, any marriage that is not registered is still considered valid if the spouses fulfil all the conditions that have been prescribed by *Hukum Syara'*.

2. Problem Statement

In view of the increasing occurrence of cross-border marriage, the research undertaken is based on the assumption that cross-border marriage actually leads to problems in marriage. The problems are like uncertainties in determining the status of the marriage and the status of other claims related to the marriage including matters involving children and inheritance. Therefore, there is an urgent need for a research to solve these issues.

3. Research Questions

- 3.1. What are the specific characteristics of the couples who chose to practice cross-border marriage in State of Perlis?
- 3.2. What are the factors that contribute the practice of cross-border marriage in State of Perlis?

4. Purpose of the Study

The purpose of this study is to examine and analyse the demographic profiles among the respondents towards the factors of cross-border marriage among Muslims in the State of Perlis.

5. Research Methods

This article uses both the quantitative and qualitative approaches. A survey was conducted in Northern state in Malaysia namely State of Perlis. Questionnaire was administered and distributed to collect the data from 100 respondents. Semi structured interview was also conducted with the informants who have the experience directly and indirectly involved in cross-border marriage. The collected data were analysed using SPSS version 22.

6. Findings

This chapter basically presents the results of demographic characteristics including background information of the respondents, level of education of the respondents, respondents' employment status, monthly income of the respondents, general information of cross-border marriage and factors for cross-border marriage.

6.1. Demographic Characteristics of The Respondents

A total of 100 respondents were surveyed, comprising of 58.0% males and 42.0% females (Tables 6.1). In terms of age, only 36.0% are considered as young adults (below 30 years old), while those aged 31 to 50 years old made up 51.0% of the respondents. Almost one-fifth of the respondents (13.0%) aged between 51 to 72 years old. All of the respondents are married (100.0%). The mean of the age is 36.600, while the minimum age of the respondent that involves in cross-border marriage is 17 years old and the maximum age of respondent is 72 years old.

Table 01. Gender and Age of Respondents

Demographic Characteristics	Category	Frequency	Percentage
Gender	Male	58	58.0
	Female	42	42.0
	Total	100	100.0

With regards to education of the respondents, almost majority of the respondents (79.0%) acquired SPM, 8.0% completed lower secondary education (Table 6.2). Some of the respondents are able to further their education up to the Certificate/Diploma/Matriculation level (4.0%) and even up to Degree level (7.0%). Relating to the type of education, almost all of the respondents (94.0%) went to the National type system of education followed by National and Religious type (4.0%) and the rest went other types of schools (2.0%).

Table 02. Education of Respondents

Demographic Characteristics	Category	Frequency	Percentage
Highest educational level	PMR/LCE/SRP	8	8.0
	SPM	79	79.0
	STAM/STPM/HSC	2	2.0
	Certificate/Diploma/Matriculation	4	4.0
	Degree	7	7.0
	Total	100	100.0
	National Type Only	94	94.0
Type of education	National and Religious Type Only	4	4.0
	Religious Type	1	1.0
	National-Type Indian School	1	1.0
	Total	100	100.0

Relating to the ethnicity, Table 6.3 displays that almost all of the respondents are Malays (97.0%). The rest of the respondents belong to other ethnicity (3.0%). Even though all respondents are Muslims, the data show that cross-border marriage is very popular among the Malays. With regards to the place of residence, more than half of the respondents (66.0%) live in the rural area while the rest are living in the urban area (34.0%). The data show that rural people are more interested in cross-border marriage.

Table 03. Ethnicity and Residence of Respondents

Demographic Characteristics	Category	Frequency	Percentage
Ethnics	Malay	97	97.0
	Chinese	1	1.0
	Indian	1	1.0
	Others (Arab Yameni)	1	1.0
	Total	100	100.00
Place of residence	Urban	34	34.0
	Rural	66	66.0
	Total	100	100.00

6.2. Employment Status of Respondents

This part discusses about job-related information of the respondents including working status of the respondents, types of job, income of the respondents, and job categories.

6.3. Job-Related Information of Respondents

Table 6.4 shows job-related information of the respondents. The majority of the respondents are working (81.0%) and the rest are non-working (19.0%). Among those who are working, 46.0% are self-employed; followed by contract workers (17.0%), permanent workers (16.0%), and temporary workers (2.0%). More than one-third of the respondents are having an income of RM1000 and below (31.0%). More than one-quarter of the respondents also are having income between RM1001-RM2000 (33.0%). In addition, 22.0% of the respondents are having income of RM2001-RM3000 per month. The rest of the respondents (14.0%) having an income of RM3001 and above. The data reflects that cross-border marriage can be practised by low-income groups of less than RM3000.00.

In terms of job categories, almost half of the respondents (47.0%) are involved in business and self-employed, while 13.0% are sales and services workers; followed by clerical jobs (8.0%); while the rest are divided among others jobs (4.0%), administration and management jobs (3.0%), professionals (2.0%), and production and manufacturing sector (3.0%) and fisheries/agriculture sector (1.0%). A total of 19 respondents do not work and the highest numbers of respondents are housewives (15.0%). The rest are students (2.0%), and retired individuals (2.0%).

6.4. Job-related Information of Respondents

Table 04. Job related Information of Respondents.

Job-related Information	Category	Frequency	Percentage
Working status	Yes	81	81.0
	No	19	19.0
	Total	100	100.0
Types of job (N=81)	Self-employed	46	46.0
	Contract	17	17.0
	Total	81	100.0
Types of job (N=81)	Permanent	16	16.0
	Temporary	2	2.0
	Total	81	100.0
Gross income	RM1000 and below	31	31.0
	RM1001 – RM2000	33	33.0
	RM2001 – RM3000	22	22.0
	RM3001– RM4000	7	7.0
	RM4001 – RM5000	5	5.0
	RM5001 – RM6000	2	2.0
	Total	100	100.0
Job categories (N=81)	Business and self-employed	47	47.0
	Sales and service worker	13	13.0
	Clerical	8	8.0
	Others (e.g., gardener)	4	4.0
	Administration and Management	3	3.0
	Production and manufacturing	3	3.0
	Professional	2	2.0
	Fisheries/Agriculture industry	1	1.0
	Total	81	100.0
	Housewife	15	15.0
Reasons for not working (N=19)	Student	2	2.0
	Retiree	2	2.0
	Total	19	100.0

6.5. General Information on Cross-Border Marriage

With regards to the country that the marriage was contracted (Table 6.5), almost all of the respondents got married in Thailand (99.0%) and followed by Malaysia (1.0%). Those marriages solemnised in Thailand, the highest is Songkhla (69.0%), followed by Satun (13.0%) and Patthalung (12.0%). The rest are performed at Pattani and Narathiwat (5.0%).

Table 05. General Information on Cross-Border Marriage

Location of Marriage	Category	Frequency	Percentage
Marriage country	Thailand	99	99.0
	Malaysia	1	1.0
	Total	100	100.0
Place of marriage in Thailand (N=99)	Songkhla	69	69.0
	Satun	13	13.0
	Patthalung	12	12.0
	Pattani	4	4.0
	Narathiwat	1	1.0
	Sub-Total	99	
	Grand Total		100

6.6. Status of Respondents of Cross-Border Marriage

Before involving in cross-border marriage, Table 6.6 indicates that 54.0% of the respondents were single, 31.0% of the respondents were married, while the rest were divorced (10.0%), and widowed (5.0%). With regards to the types of marriage, more than half of the respondents (55.0%) were practicing polygamous marriage while the rest were monogamous (45.0%). Almost all of the respondents (96.0%) were their first experience, while the rest were their second time (4.0%).

Relating to type of *wali* (guardian of marriage) during the cross-border marriage, results show that more than three-quarters of the respondents (71.0%) used service of *Wali Am/Hakim*, followed by *Wali Mujbir* (19.0%), and *Wali Nasab* (10.0%). Almost all of the respondents (95.0%) used both witnesses from Thailand, followed by 5.0% of the respondents used both witnesses from Malaysia. Majority of the respondents did not use marriage agent (87.0%), while only 13.0% of them used the service of an agent for their marriage.

Table 06. Status of Respondent on Cross-Border Marriage

Status of Cross-border Marriage	Category	Frequency	Percentage
Status of respondent before getting involved in cross-border marriage	Single	54	54.0
	Married	31	31.0
	Divorced	10	10.0
	Widowed	5	5.0
	Total	100	100.0
Types of marriage	Polygamy	55	55.0
	Monogamy	45	45.0
	Total	100	100.0
Number of cross-border marriage	Category	Frequency	Percentage
	First	96	96.0
	Second	4	4.0
	Total	100	100.0
Type of <i>wali</i> during the cross-border marriage	<i>Wali Am/Hakim</i>	71	71.0
	<i>Wali Mujbir</i>	19	19.0
	<i>Wali Nasab</i>	10	10.0
	Total	100	100.0

Witnesses for the cross-border marriage	Both witnesses were from Thailand	95	95.0
	Both witnesses were from Malaysia	5	5.0
	Total	100	100.0
Using service of agent for the marriage process	No	87	87.0
	Yes	13	13.0
	Total	100	100.0

6.7. Factors Leading to Cross-Border Marriage

The set of questions aimed to determine what factors lead to cross-border marriage (Table 6.7). Overall, 73.4% of the respondents agreed with all the factors of cross-border marriage. The top four highest factors leading to cross-border marriage are; cross-border marriage is a type of marriage that is fast and cheap (87.6%), the high cost of marriage (81.2%) the strict laws to apply for polygamy (78.8%), and having no permission from the *wali* for the marriage to take place (76.8%). For the median factors are; ignorance of law (76.4%), followed by more than three-quarters of the respondents (76.2%) felt that the strict and complex marriage procedure in each state is the contributing factor leading to the cross-border marriage, followed by 76.0% of the respondents agreed it is a way to avoid from being charged and given penalty for being involved in close proximity and 73.8% of the respondents agreed that it is a way to avoid them from being involved in *zina* (unlawful sexual relation), 72.0% of the respondents agree that the leniency of laws and policies in Thailand and Malaysia. Lastly, the top four lowest items are; pregnancy before marriage (65.8%), desire to increase life status socially and economically by marrying someone perceived to have a high life status (58.8%), and having a great promotion from the agent (57.2%).

Table 07. Factors Leading to Cross-Border Marriage

No.	The Factors Leading to the Cross-border Marriage are...	Level of Agreement (%)*					Mean	SD	%
		1	2	3	4	5			
1	A type of marriage that is fast and cheap.		1.0	14.0	31.0	54.0	4.380	0.763	87.6
2	The high cost for marriage has led the couples to decide to tie the knot at the border.		3.0	18.0	49.0	30.0	4.060	0.776	81.2
3	The strict laws in polygamy.			24.0	58.0	18.0	3.940	0.649	78.8
4	Having no permission from the <i>wali</i> for the marriage to take place.		1.0	32.0	49.0	18.0	3.840	0.721	76.8
5	Ignorance of law		3.0	43.0	23.0	31.0	3.820	0.914	76.4
6	The strict and complex marriage procedure in each state.			33.0	53.0	14.0	3.810	0.662	76.2
7	To avoid from being charged and given penalty for being involved in close proximity.			30.0	60.0	10.0	3.800	0.603	76.0
8	To avoid from being involved in <i>zina</i> (unlawful sexual relation).			37.0	57.0	6.0	3.690	0.581	73.8
9	The lenient laws and policies in Thailand and Malaysia.			44.0	52.0	4.0	3.600	0.569	72.0
10	Getting pregnant before getting married.	1.0	15.0	46.0	30.0	8.0	3.290	0.856	65.8
11	The desire to increase life status		16.0	75.0	8.0	1.0	2.940	0.528	58.8

	socially and economically by marrying someone perceived to have a high life status.						
12	Great promotion from the agent or middleman.	17.0	80.0	3.0	2.860	0.427	57.2
	Total				3.67	0.671	73.4

*1= strongly disagree (1-20%), 2=disagree (21-40%), 3=somewhat agree (41-60%), 4=agree (61-80%), 5= strongly agree (81-100%)

7. Discussions

Almost all of the respondents for this study are of Malay race ranging from the age of 31 to 50 years old. The youngest respondent is 17 years of age while the oldest is 72 years of age. The average of the respondents' ages is 36.600.

It is found that the education background of half of the respondents is only up to secondary school level as they obtained *Sijil Pelajaran Malaysia* (SPM) and majority of them are educated in non-religious education. This finding directly supports Mohamad's suggestion that level and types of education play important roles in influencing one's decision whether to go or not to go for cross-border marriage (Mohamad et. al., 2008, p.50). Therefore, the current finding suggests that possessing higher education level, especially religious education could prevent one from committing cross-border marriage as he would be able to measure the cause and effect of such marriage mentally and spiritually.

One interesting finding in the respondents' demographic characteristics is almost three-quarters of the respondents live in the rural area while the other quarter lives in the urban area. This indicates that rural people in States of Perlis are more interested in cross-border marriage than the urban people.

Another important finding is that majority of the respondents are working, and nearly half of the respondents are involved in business and self-employed. This finding is in line with previous studies by Md Hashim (2009, p.232) and Mohamad et. al. (2008, p.51) who found that businessmen and self-employed have higher tendency to go for cross-border marriage as compared with other category of jobs. This study also finds that less than one-third of the respondents have an income below RM1000 which proves that cross-border marriage can be afforded by any income earners.

The most popular countries where Muslims in State of Perlis choose to solemnise their cross-border marriage are Thailand and Malaysia. As far as Thailand is concerned, the present study finds that the province of Songkhla is the favored place of cross-border marriage among Muslim couples in Malaysia. This finding however, differs from the previous research where the province of Narathiwat was found to be the favourite place for them to get married (Md Hashim, 2009, p.222). The change of finding in the current study from the previous might be due to today's better and easier access to the province of Songkhla by roads and other means of transportations such as train and flight (Yaacob & Md Noor, 1989, p.51). Another possible explanation is the stability and safety of this province, thus making the province of Songkhla, Thailand as the target place for Muslims in Malaysia to get married.

This result may also be explained by the fact that the office of Consulate General of Malaysia is located in the particular province which makes it easier for the couples who have just got married to get faster clearance.

Another important finding is that more than half of the respondents who contracted cross-border marriage are actually contracting polygamous marriage while less than half is contracting monogamous

marriage. However, this finding does not support the previous research. This is because, according to Md Hashim (2009, p.204), more than half of the respondents contracted their cross-border marriage by way of monogamous marriage and the rest contracted by polygamous marriage. A possible explanation for the different finding in the current and previous study is because of the amendment in the law that provides stricter procedure for those who wish to contract polygamous marriage in Malaysia. Thus, the way out for couples in Malaysia is to flee away and get married in the Southern Thailand. This result proves Gavin Jones' finding where in her research, (Jones, 1994, p.276), (Jones, 1981, p.261) argued that the strict rules for polygamous marriage cause Malaysians to escape and get married across the border. This finding can help us understand that if the laws are too strict, the violation of the laws may occur as a result of rebelliousness on the part of the laymen who are expected to abide by the law.

Consistent with the finding by Mohamad et. al. (2008, p.58-59) and Md Hashim (2009, p.207) the current study also discovers that three-quarters of the respondents utilised the service of *Wali Am* for the purpose of solemnisation of their marriage. On the other hand, with regards to the requirement of having two witnesses to witness the marriage, almost two-third of the respondents actually employed witnesses from Thailand.

As mentioned in the literature review that most of the couples obtain services to get married at the border from an agent (Ghulam Khan et. al., 2012, p. 24; Kamaruddin & Abdullah, 2008, p.190). Surprisingly, the current study reveals that only minority of the respondents did that; while the majority of them manage to handle their own marriage at the border without any help from an agent? A possible explanation for this might be that majority of the respondents know how to handle the matter by themselves because Thais use same language as Malaysians. Thus, it makes easy for them to communicate and find out.

Nevertheless, an important issue that surfaces based on this finding is the issue regarding use of service of a middleman or agent. Even though the current finding shows that respondents tend to have their cross-border marriage without the aid of an agent, it is important that the issue is brought to the attention of the government so that policies can be drafted which would serve as a way to control it in the future. The current study is in agreement with the study of Wang and Chang where they found that there were agencies in Taiwan that have cheated their clients' money (Wang & Chang, 2002, p.108)

Another important finding with regards to the factors leading to cross-border marriage is that the majority of the respondents prefer to practice cross-border marriage due to the nature of its process that is fast, less hassle and cheaper than normal marriage performed according to customs. This is because, today's expenses for marriage ceremony is too expensive and before getting married the couples must undergo several steps, for example, marriage course, HIV test and interview session with a religious officer. These difficulties could contribute to the cross-border marriage. This finding is in line with the previous studies by Ariffin and Mohd (2009, p.14) and Md Hashim (2009, p.204) where they discovered that the process of cross-border marriage is quick and cheaper than the others type of marriage. Therefore, this has made the cross-border marriage very popular among Malaysians.

This finding also reveals that majority of the respondents involved in cross-border marriage is due to high cost in marriage celebrated according to the customs. Among the plausible clarifications for this finding is that marriage expenditure is too high. Therefore, for couples who cannot afford the cost, the

easiest way is to have the marriage solemnised at the border. This finding is consistent with data obtained by Mohamad that one-tenth of the respondents who were involved in cross-border marriage is due to high cost of expenditure in marriage (Mohamad et. al., 2008, p.60). Thus, it is suggested that marriage ceremony should be moderate and reasonable.

Apart from that, more than three quarters of the respondents strongly agreed that a strict law in polygamous marriage is one of the factors influencing cross-border marriage. An interesting explanation for this finding is simply husband wishes to contract subsequent marriage and for that he has to apply from the court a permission to practice polygamy. For him, the procedures are hassles, and it is a waste of time. This finding matches with an earlier study by Kamaruddin and Abdullah (2008, p.188) where they found that due to the high possibility that their application to practice polygamy be rejected, so husbands decide to marry at the border.

This finding may help us to understand that there is a high tendency that strict laws and procedures before one could contract polygamous marriage can lead to him to go for cross-border marriage.

The finding also reveals that a factor leading to cross-border marriage is due to *wali*'s refusal in giving away consent of marriage. This is strongly agreed by the majority of the respondents. The reason for the refusal is connected with the *wali*'s concern about the issue of equality (*kafaah*) between his daughter and the man who is asking for her hand in marriage. In Islam, even though equality is not a pillar of marriage, it is emphasised. Therefore, in the case where the parents of the girl are not agreeable with the marriage, she and the boyfriend would decide to get married at the border. This finding is in accordance with Mahamad's study indicating that *wali*'s refusal in giving away consent of marriage leads to the cross-border marriage (Ariffin & Mohd, 2009, p.14).

8. Conclusion

In relations to the current findings, the study makes the following suggestions for the purpose of reducing and preventing cross-border marriage from occurring in the future. Therefore, several recommendations can be suggested to curb this phenomenon as it affects the family institution. The recommendations are as follow;

8.1. Clearer and More Specific Legal Definition of Cross-Border Marriage

The research has shown that there is no legal definition for cross-border marriage. In other words, the term of 'cross-border marriage' is not statutorily defined accordingly. Therefore, it is suggested that the term should be precisely defined by bearing all its possible elements and descriptions under the law in order to avoid misinterpretation of the act and confusion among the society members. For example, "Cross-Border Marriage can be legally defined as a marriage without authorisation of the court or Registrar of the Marriage, Divorce and *Ruju*' in each state and it can be solemnised either in Malaysia or outside Malaysia".

8.2. Specific Provision on Cross-Border Marriage under the Islamic Family Laws

Deriving from the above suggestion, it is proposed that there should be a specific provision in the Islamic Family Laws for each state pertaining cross-border marriage. Currently, cross-border marriage is

treated under the provision of sections 40(2), 35, 123 and 133 of the Islamic Family Law in the State of Perlis. Therefore, possible amendment to provide a more precise law on cross-border marriage should be made under section 40(2) of the Islamic Family Law enactments in each state. Furthermore, a specific provision must also be introduced regarding the services of an agent in cross-border marriage. For this provision, a proper punishment shall be imposed for middleman or an agent who involves in cross-border marriage.

8.3. Dissemination of Knowledge

Clear information on matters relating to Islamic family laws should be disseminated to the public, especially the young Muslims. It could be done using varieties of media channels that can reach them. Therefore, the study suggests that the Legal Aid Department should organise more field campaigns on the illegality of this kind of marriage and the importance of registration of marriage in order to ensure the effectiveness of dissemination of such information to the members of public in the urban and rural areas.

References

- Jones, G.W. (June, 1981). Malay marriage and divorce in peninsular Malaysia: Three decades of change. *Population and Development Review*, 7(2), 255-278
- Jones, G.W (1994). *Marriage and divorce in Islamic South-east Asia*. Kuala Lumpur: Oxford University Press.
- Ghulam Khan, I.N., Hashim, H., A. Shukor, H., & Yusof, N. (2012). *Nikah sindiket di Malaysia*. USIM: Penerbitan Usim.
- Yaacob, Md. Akhir & Md Noor, Siti Zalikha (1989). *Beberapa aspek mengenai enakmen keluarga Islam Di Malaysia*. (1st edn) Selangor: Al-Rahmaniah.
- Wang, H. Z., & Chang, S. M. (2002). The Commodification of International Marriages: Cross-border Marriage Business in Taiwan and Viet Nam. *International migration*, 40(6), 93-116.
- Kamaruddin, Z. & Abdullah, R. (2008). Protecting Muslim women against abuse of polygamy in Malaysia: Legal perspective. *Journal of Women of the Middle East and the Islamic World*, 6, 176-201.
- Md Hashim, N. (2009). *Registration of marriage in Malaysia: A socio legal study of runaway marriages among Muslims*, (Doctoral Dissertation, International Islamic University Malaysia).
- Mohamad, M. N., Ibrahim, I. A., Ahmad, C. M., & Ahmad, Z. (2008). *Perkahwinan luar negara tanpa kebenaran di selatan thailand*. (1st ed) Fakulti Pengajian Islam. UKM
- Ariffin, M., & Mohd Zin, N. (2009). *Kahwin Lari: Masalah dan Penyelesaiannya. Siri Isu-isu Mahkamah Syariah, Undang-Undang Keluarga dan Prosedur*. Islamic Law Department, Ahmad Ibrahim Kulliyah of Laws: International Islamic University Malaysia 2012
- Islamic Family Law (Perlis) Enactment (2006).