

A look at marriage in malaysia religion essay



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Since long ago, policies of marriage are closely associated with the Malaysians' religious customs, race and culture of different ethnic groups in the society. With reauthorization of the bill looming, much of the policies and cultures have been debated and has shifted on the questions of how best to build on this success of the marriage.

Regarding the nature of marriage in Malaysia, established custom and tradition has been maintained and preserved by many families. The question here is that, is there any change in the policies which leads to the challenge of such tradition? Here, we would look at how such policy changes impact the people in various countries. Comparison within countries will be made. In Malaysia, there are two types of marriages which are practiced and governed differently under different pieces of legislations and policies. Thus, for easier understanding, both types of marriages will be discussed differently and separately.

Marriage in Malaysia

In the Malaysia position, there are two categories of the marriage procedures, namely the Islamic procedure for Muslim couples and the civil procedure for non-Muslims. Primarily, both types of marriages are different from each other in terms of custom, cultural and beliefs as well as their procedural regulations. For Muslim's marriage, the Syaria Law will govern onto them and also their customary practices. While for the non-Muslim's marriage, which also known as the civil marriage, the particular law will govern them which is the Law Reform (Marriage and Divorce) Act 1976. While a formal process of marriage registration is required, wedding

ceremonies are typically also conducted in accordance to the couple's culture, tradition or religious customs.

Policies Of Marriages

The policy in marriages means the aspects applied, considered and practiced by the people in the society. These policies may includes aspects likes the historical background of the culture of each society, lifestyle of the peoples in their society, religious cultures and influenced, economic, human desires and needs and other aspect.

According to al-Ghazali, pleasure is “ the attaining of the object of desire, while desire is the soul's inclination to possess the object of its yearning (shawq).”

When sensitive and rational faculties function well, they are accompanied by a glow, as it were; such radiance is called “ pleasure” by Aristotle.

Hedonism asserts that pleasure does not differ in kind or quality. For hedonists, pleasures differ only in degree or quantity, and in duration or intensity; hence their propagation of the expansion of the sensate life.

In reality, however, pleasures are of different kinds, and they differ as do the human activities they accompany.

Pleasures are of three kinds. Firstly, pleasure related to the life of the mind, such as the pleasures of learning, scientific investigation, intellectual contemplation, and wisdom. Secondly, the biological pleasure, which is common to man and the other animals, such as eating, drinking and sex.

Thirdly, the socio-political pleasure, such as the lust for conquest or the desire for social position.

Of the three kinds of human pleasure, however, the noblest and the most exclusive to him is the pleasure related to the life of the mind, which endures forever and is rewarded by everlasting bliss in the life to come. According to al-Ghazali, the following eight varieties of pleasure - eating, drinking, sex, attire, habitation, smell, hearing and sight - are followed in ascending order by the pleasures of social status (jah), accumulation of wealth, rivalry and competition.

The uncontrolled desire for the pleasures of eating, drinking and sex are particularly nefarious from the religio-ethical point of view. In relation to these desires, Aristotle and al-Ghazali observe, most men err on the side of excess. As such, training these desires is the starting point of all character building. It is important to note the fact that the last Quranic verse revealed chronologically begins with teaching what are the foods forbidden in Islam, and ending with the statement that God had perfected the religion for those who truly want to submit to Him[1]. Likewise, as far as sex is concerned, relations outside of marriage is forbidden.

Within the bonds of matrimony, sex practised in moderation is essential. Indeed, marriage is instituted for the preservation of the species and the prevention of diseases which otherwise can harm the body that has no lawful outlet for sexual desire.

Through the institution of marriage, one is enabled to satisfy the urgent demand of sexual desire. Upon marriage, one enters new challenges, which of

providing for a family through lawful earnings, of fulfilling the rights of spouse and offspring, and of tolerating the weaknesses of each other. This requires that the issue of the basic material needs of poor families is adequately addressed in socio-economic policy.

In addition, a reform has been a huge success, if measured by reductions in caseloads with regard to the policy and cultural in marriage in Malaysia. With regard against the cultural and policy in marriage in Malaysia position, there are several of policies and cultural which been adopted and developed or changes. In addition, these policies and cultural in marriage matters, have been adopted and practiced by the people in the society for quite long duration of times. Thus, these policies and cultural in marriage matters may be consider as the policies and customary law in the ambit of marriage in Malaysia.

Marriage Culture

The culture of marriage was starts with high ideals, the secular education movement sought to help the common person by extending its social program through high school. Everyone was urged to finish high school. The “ business” of education grew as other business grew with it. Agribusiness pushed people off of the small farm, while the attractions of the city, the sophistication of higher culture, and the new corporate economic growth drew people into the cities. Then the pressure was on to attend college. Courses were gradually “ dumbed down” in order to accomodate the droves of young people who are culturally trained in them and for them. Education was billed as the path to success, and it was true, if over stated. Competition

in the work force led many to seek higher degrees still, postponing marriage in many cases well past their sexual prime or desirability.

The growth of mass education in this century led to the herding of our young people together with others the same age. More and more, coeducation became the norm at higher and higher age levels. Young people found themselves away from their parents more, and developed romantic relationships, apart from their parents supervision, with friends in high school. Later this was also the case in colleges which were taking in more and more students and were becoming coed. This tended to effect cultural feelings about a the relative difference in age in a young couple.

The “ extended adolescence” of our young has proved profitable for these institutions and for other big businesses as well, but it effectively competed with many of the “ regular people” it claimed to help, financially and culturally defrauding them to some extent, if unintentionally.

Young women are to be protected, primarily by their fathers. Fathers are traditionally understood to be their authority and protection- the ones who “ give (them)in marriage” to another protector, their future husband. The larger society cannot protect them. Thus our single young women should not move about so freely among young men as is done currently in our fornicating, aborting, single mom culture. Suitors should woo with the girl’s parents nearby. Parties where marriageable young people meet should be arranged by the parents in the community.

It is to be known that the earlier culture in marriage were too restrictive on women and on marriage in general. We of course are so much happier with
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our “ progress” in fornication, unwanted pregnancies, broken hearts, abortion guilt, enflamed and economically exploited lust, and comercialized exploitation of postponed marriage frustration.

Also, the marriage culture earlier, parents can find at least some time for this important phase of their children’s life. I think they had better do something for their children, and not just leave their opportunities completely to the larger culture which does such a poor job. In any case, certainly even arranged marriages, for all their strictness, would be better than our culture’s flacidity. Our culture revels in distracting and wasting its youth’s years of greatest relations and economic strength. Carefully arranged and chaperoned events would improve a girl’s chances of being courted by serious suitors. Parents can be helpful by keeping it fun and light hearted, or at least casual. They should not make it seem like a big deal, because this will make the young people tense.

Acceptance of moderate age difference has been hard to find at coeducational institutions. Young people, naturally influenced by the environment in which they are placed, feel safer and more natural with friends their own age, having been educated for years with their age group, and they care a great deal about what their friends think. Seniors and graduates are embarrassed about their attraction to freshmen girls. Potential couples try to tell themselves and others that they are “ just friends.”

Parents who themselves where raised in a co-education culture find themselves resistant to older suitors. But in light of earlier traditions where there are no minimum age of a person to get married or been married.

Muslim's Marriage

The Islamic Family Law, which governs the Muslim's marriage in Malaysia are likely as the personal status laws and traditions of all religions, has always been problematic as it discriminates against women. Since the late 19th century, Muslim countries exercised ijtihad, reinterpretation of the Qur'an, in order to redress some of the injustices Muslim women suffer in marriage, polygamy, divorce and issues of custody and guardianship of children.

In the post-colonial era, when Muslim countries moved towards the codification of Muslim personal laws through statutory enactments, they adopted a process of selecting and combining differing juristic opinions of different schools of Islamic law (mazhab) in order to partially redress the discrimination against women. In Malaysia, the first major effort at law reform took place in the early 1980s when the Attorney-General's chambers was appointed to prepare a model enactment to be the basis of a uniform Islamic Family Law to replace the diverse and conflicting legislations of the different states which predated independence.

Muslim Family Law Reform

In 1984 the Islamic Family Law was codified and passed by Parliament. This law was seen as a progressive law, regarded as one of the best Muslim Family Laws in the

world. The positive, gender-sensitive reforms included:

Grounds for divorce for women were expanded:

12 grounds for fasakh, (most of them from the Maliki school, because the Shafie school provides limited grounds) including cruelty on 6 different grounds:

habitually assaults her or makes her life miserable, or

associates with women of evil repute or leads an infamous life;

attempts to force her to lead an immoral life, 2

disposes of her property or prevents her from exercising her legal rights over it; or

obstruct her in observance of her religious obligations or practice

if he has more than one wife and does not treat her equitably;

Divorce outside the court was made illegal;

Polygamy without the permission of the court was made illegal;

Five strict conditions to be fulfilled before court can give a man permission to take another wife:

just and necessary. Grounds included sterility, physically unfit for conjugal relations, insanity;

financial ability to support all wives and dependents, including would be dependents;

ability to treat all wives equally;

no harm caused to existing wife in respect of religion, life, body, mind, or property;

no drop in standard of living, directly or indirectly, of existing wife and dependents;

Wife has a right to claim her share of matrimonial assets from her husband even though she has not financially contributed to its acquisition. Her role as wife and mother are considered as contribution that enabled her husband to acquire his assets. This was considered revolutionary, not just in the Muslim world, but also in civil jurisdiction. Other Muslim countries looked at Malaysia's law as a model and adopted in particular the division of matrimonial assets provision.

Civil Marriage

The Law Reform (Marriage and Divorce) Act, 1976 have been drafted in 1976, when the Law Reform (Marriage and Divorce) Act was passed by Parliament (enforced in 1982), the practiced in civil law reform for non-Muslim marriage has been progressive.

The major reform of the Law Reform (Marriage and Divorce) Act, 1976 was the banning of polygamy among non-Muslims. Prior to that, non-Muslim men could choose to be polygamous under their respective customary laws. For instances, the Chinese customary law allowed unlimited polygamy. It also allowed Chinese men to unilaterally pronounce divorce on their wives, on any one of seven grounds:

Adultery,

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disrespect to husbands' parents,

barrenness (i. e. failure to bear a son),

talkativeness (nagging),

jealousy

suffering an infectious disease,

The Law Reform (Marriage and Divorce) Act, 1976 have abolished all that and provides for divorce by mutual consent or upon petition by either spouse in an equal divorce process where the grounds for both men and women are:

intolerable adultery

unreasonable behaviour

desertion for not less than 2 years

living separately for not less than 2 years.

As for the process apply after the coming in force of the Law Reform (Marriage and Divorce) Act, 1976 , this law reform was done in a democratic and consultative manner. A Parliamentary select committee was established and it travelled all over the country to listen to diverse views from the ground before this law was drafted.

Guardianship of Infants Act, 1961

Other progressive reforms in civil law governing family matters took place around 1990 are several amendments to the Guardianship Act and the Distribution Act 1961.

The Guardianship of Infants Act was amended in 1999 to provide for the father and mother to have equal rights to guardianship of their children. In the past, only the father was the primary guardian of his children. Alas, this amendment only benefited non-Muslims as guardianship of children for Muslims comes under the jurisdiction of shariah law.

The constitutional amendment of Article 121(A) made in 1988 which provided that civil court cannot exercise jurisdiction on matters under shariah jurisdiction meant that Muslim women could not benefit from this law reform process as guardianship for Muslims comes under the jurisdiction of the Islamic Family Law.

Are Muslim women then supposed to roll over and play dead while their sisters of other faiths advance forward in the pursuit of the Constitutional guarantee for equality before the law? Certainly nobody in government saw it fit to deal with the issue of the

guardianship rights of Muslim mothers.

This policy decision thus enables Muslim women to enjoy the benefit of law reform that applied only to their non-Muslim.

The Distribution Act 1958

The Distribution Act was amended in 1999 to provide for equal inheritance for widows and widowers. Previously, the husband of a deceased woman inherited the whole estate (even her children were excluded from inheritance if she died intestate and was survived by her husband), while the wife of the deceased man inherited only ONE THIRD of his estate if he had children (the other two-thirds were given to his children), or one-half of his estate if he had no children (the other half was given to his other relatives). The amendment provides equal right to inheritance for the husband and wife and also granted children the right to inherit from their mother's as well as from their father's estate.

When laws for non-Muslim women were being amended to grant them equal rights to inheritance and guardianship, even more laws and policies were amended to discriminate against the Muslim women.

The Insurance Act was amended in 1996 to provide that the Muslim beneficiary named in an insurance policy acts only as the administrator of the estate, as the deceased

insurance monies is to be distributed according to faraid. This means if your husband buys a policy and names you, his wife as the beneficiary in order to protect your wellbeing upon his death, you actually will not be the sole beneficiary of that policy. The monies will be divided according to faraid, the Islamic inheritance rules.

Factors of Changes

Welfare

The relative lack of attention to marriage promotion has prompted numbers of the public to argue and suggests that the government should act much more aggressively to pursue a pro-marriage agenda. The matter of marriage promotion rightly contend that marriage confers a variety of benefits. For example, married women have much lower rates of poverty and are less dependent on the government assistances than single or divorced mothers, and children do best being raised by both biological parents.

In general, married parents also have better mental health and are more likely to be civically engaged. Whereby, it's means that they have fulfil all the requirements to married. Although promoting marriage is undeniably a laudable aim, whether government have provides sufficient protects for the public interest with fair and just. Also whether it can effectively promote marriage is far from certain.

Thus, due to this matter of welfare either of the infants of the marriage or each party in the marriage or even together with the party and the infant, there are changes made with regards in dealing with this matters. The changes for such is to helps poor or inability women and their children lead better lives, if the case that the marriage was dissolve.

Sosio-economic

The socio-economic context of men and women's lives today has drastically changed since Islam's early days and our understanding of these principles needs to accordingly evolve to reflect the justice of Islam, the realities of

today and what justice means today. Today, many women earn a living and maintain their families together with their husbands. Divorced or widowed mothers often provide for their children without assistance from ex-husbands or male relatives. One would expect that women's right to inheritance would expand with their responsibilities but unfortunately this has not been the case. Should the daughter who takes care of her ageing parents financially, physically, emotionally and spiritually until their death, get half what her brother inherits, even when he did not lift a finger to help? Should men continue to enjoy privileges when they fail to perform their responsibilities? In Islam, privilege is linked to responsibility.

In practically, while men's privileges are recognized and codified into law, their

responsibilities are somehow regarded as between them and God, and not for the state to enforce nor to punish them and deny them the privileges should they fail in performing their responsibilities.

Development In Society

Marriage policies and cultural are as the number of community-level approaches being implemented grows, the need to identify effective strategies also increases. Most research in the area of strengthening marriage focuses on the effects of interventions offered to individual couples. Whereby, the society have develop due to the time pass.

Where, it can be said that the thinking and mentality of people in the society are change and develop. Thus, it affects to the changes.

Awareness and Responsibility

Although some may consider marriage outside the purview of government responsibility, it is increasingly common for government and private agencies to combine efforts to promote healthy marriages.

Thus, certain culture and policy in marriage have been changes due to the consistency of such marriage culture and policy with the society and current recent situation.

Social Changes

They are more likely to move into and out of cohabiting relationships and are substantially more likely to be divorced or remarried than women who wait to have children until after they marry. Specifically, unwed mothers are more likely than other women to be in second or higher order marriages.

Where, the internal or the external in social changes which have emphasizes on the impact of some changes into the society. Where, in addition, the social changes are beyond the care and control of the people in the society.

Comparison

With reference to another country, the comparison and reference made are towards two different types of policies and cultures applied and practiced by two different types of countries. Whereby, comparison and references are towards the English situation, which mostly shows the civil policies and cultures of marriage. Also, to the Islamic countries position, likes Pakistan.

Thus, using a well-matched comparison examples from other countries helps to address potential selection bias because factors affecting marriage and divorce should be similar in both types of marriage.

English Situation

In English situation, it is known that in marriage, without hesitation that the feminist era of the Sixties ruined American women. He declares with no affection that when women started to claim their rights, the husband was forgotten. American women were given the ability to say no to their husbands. Larry is a firm believer in the Christian doctrine that the man rules the roost, and the wife should look to her man for guidance in all things, spiritual and otherwise.

There are two kinds of marital “ paths” or ideologies. Traditional views include the typical view of a family, which stresses steadiness and commitment in a framework generally accepted by the society in which one lives.. Therapeutic views focus instead on the feelings of gratification arising from love and emotional interactions. Those believing in a traditional view of marriage, most often espoused by men seeking foreign brides for marriage, often believe in the importance of time-honored institutions and value a certain amount of stability and predictability in relationships. The more therapeutic view, also known as the ideology of uncertainty, thrives on change and the ability to experience individual freedoms as well as sharing them within a family structure. Most people term the former “ old-fashioned” and the latter modern.

Also, that the demographic of age of a person mostly getting married, which, although sent equally to all age groups-was between 30 and 60, leaning to over 45. They were aware of the “ strong family values” component to the culture. There is usually a strong father figure, and the entire family participates in the keeping the family unit stable.

The policy and culture in the English situation are also practiced the sequence in sibling of each family. Where, the younger sibling will respect the elder to get married before they do.

In their culture also, couples from different cultures get into relationships for the same reasons intracultural couples do. Two factors that strongly influence the facilitation of intercultural relationships are both a strong sense of ethnic identity and a profound interest in other cultures and similar education and socioeconomic status. Although the former, strong ethnic identity and interest in other cultures can make one more apt to get into an intercultural relationship, if one member is more educated or higher up in a social hierarchy, the less likely they are to marry out of their culture.

In other words, the rules change. The problem is with marriage itself. Once relationships are built on force and what one “ has to do”, they are no longer love relationships. People don’t like to be forced.

The policies and cultures in marriage in English are slowly changing, even if some things stay the same. Their gender roles have been affected by the feminist movement, just as the industrial revolution, the rise of the labour laws, more technology at home, and the post-World War II boom changed the American family. As the woman was released from having to work in

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factories and better technology offered more leisure time and more focus on the children, the policies and cultural in English country changed.

Recently in current days, in a post-feminist era where typically both partners in a marriage work and must do so to maintain their standard of living, the sharing factor becomes more evident and is desired by both male and female, as clearly indicated in my survey. Men and women alike in great numbers overwhelmingly want trust and sharing from their partner. They are looking for a best friend who understands them.

Thus, from the above reference in English situation, it may be concluded that, as long as both parties agree to the basic structure of what marriage is and should be, the partnership is more likely to be successful, no matter where the individuals were born. The people in the society who are more modern and progressive in their thinking can take heart in the findings suggest that both men and women in the English are seeking best friends, trust, understanding, and a commitment to sharing in relationship. Now that they have agreed on what they want, all they have to do is commit to being those things.

Islamic Countries

Main characteristics of Muslim marriage culture are consent of the competent parties, presence of witnesses and dower (Mehr) to wife. No ceremony or ritual is required for a valid Muslim marriage contract. However, Muslims observe colourful marriage customs in different parts of the world depending upon their local cultures. Most of the wedding customs are

innocent in nature while some are against basic principles of Islamic marriage jurisprudence.

The Muslim marriages are famous for the best in inviting and welcoming the guests. This kind of Muslim marriage culture provides people a chance to entertain guests in bulk and strengthen their social bonds. Not only bride, groom and their families but also neighbors and their friends enjoy marriage event with different rituals.

Muslim marriage culture is famous for the best in inviting and welcoming the guests. Wedding customs give them a chance to entertain guests in bulk. Muslim marriage can take place at any convenient time. Also the marriage venue can be the bride or groom's house.

In Muslim marriage policies and culture, couples may contract a marriage at any place and time in Muslim marriage culture. Some prefer night hours but there is no legal or religious restriction. Marriage may take place at any venue including bride or groom's house. However, generally the wedding ceremony takes place at bride's place. Following common practices are observed in Muslim marriage culture:

The wedding ceremony starts with delivery of a sermon by a Qazi or Imam. Though his services are not required at all for a valid Muslim marriage contract but traditionally no Muslim marriage is conducted without such a sermon. In Pakistan Nikah registrars not only register the marriages but also deliver the sermon. It not only gives a sacred character to the marriage but also helps the families to announce the marriage. A sermon may even be delivered by someone from the families of bride or groom.

Pakistan's Situation

Generally, in Pakistani and Indian marriage cultures the Muslim family of a groom searches for the bride. Quran and Islamic marriage jurisprudence does not accept a marriage conducted without free consent of the parties. But the families used to ignore consent of the parties for one reason or the other. However, the advent of information technology and developments made by the media has been forcing the elders of the families to take a back seat.

Now, in most of the case you can dictate your terms as an adult. But you still can't avoid the customs and traditions of your society if you are from the sub-continent. And I don't think that there may be some good reason to avoid these traditions. They may not have any importance in Islamic jurisprudence but they can make your marriage extremely colorful.

The marriage customs in Pakistani and Indian Muslim marriage cultures are similar. Such similarities in followers of different religions with their individual religious flavor. But in case of Muslims the marriage customs are akin across the borders. (Wedding related customs in All Muslim marriage cultures)

As in Pakistani and Indian marriage cultures the ' Mangni' is essential not only in the Muslim families but also in non-Muslim ones. It equates to the ceremony of engagement in North America with all out local colors. It is exchange of rings between the marriage partners. Generally, groom's family visits the house of bride first and puts a ring in her finger. Then it is turn of the bride's family to do the same. Now the modern families are allowing their

children to exchange their rings in a single ceremony but most of the people are still going with the tradition.

In Pakistani and Indian marriage cultures and Islamic laws does not allow the marrying parties to have any kind of relationship. It neither creates any right nor duties. It is only after valid Nikah that they become legally husband and wife. If engagement is broken by any of the party, it does not affect the parties anyway. However, the parties prefer to return whatever they have got as gifts.

The order is not fixed. The families may decide to change the order of observing the customs as for their convenience. Traditionally, in Pakistani and Indian marriage cultures, only unmarried women apply Mehndi and turmeric pastes to brides. The Mehndi is also applied to groom's hands. After this ceremony the bride is not allowed to leave her house until the wedding takes place. She can go to beauty parlor on the wedding day along with women of her family.

Conclusion

The aim of such changes is to help in creating a strong, lasting and satisfying marriages through the reformation, development or the changes in the policies and the cultural. These changes are also relates with the marriage preparation to engaged couples and marriage enrichment and also reconciliation to married couples. They also help with step-family formation and success. Which means to say that these changes are with regard to the public policy and interest. Also for the welfare of family community and interests.

More rigorous testing of community marriage initiatives, will require improvement in the quality, completeness, and consistency of data. In addition, it will be necessary t