

**To Be Delivered On: 20 JAN 2023CE | 27 Jumadaa al-Aakhirah 1444H**



**ISLAMIC SAVIOUR OBEDIENCE**

# **FRIDAY SERMON**

***Title:***

***“THE DANGER OF SYNDICATED MARRIAGE”***

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***Published By:***

***Unit Khutbah***

***Bahagian Pengurusan Masjid***

***JABATAN AGAMA ISLAM SELANGOR***



## “THE DANGER OF SYNDICATED MARRIAGE”

الْحَمْدُ لِلَّهِ الْقَائِلِ: وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا  
مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ وَرُبْعًا فَإِنْ خِفْتُمْ أَلَّا  
تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا ﴿٣﴾<sup>1</sup>  
أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَأَشْهَدُ أَنَّ مُحَمَّدًا  
عَبْدُهُ وَرَسُولُهُ. اللَّهُمَّ صَلِّ وَسَلِّمْ عَلَىٰ سَيِّدِنَا مُحَمَّدٍ وَعَلَىٰ آلِهِ  
وَصَحْبِهِ أَجْمَعِينَ.

أَمَّا بَعْدُ، فَيَا أَيُّهَا الْمُسْلِمُونَ! اتَّقُوا اللَّهَ! أُوصِيكُمْ وَإِيَّايَ بِتَقْوَى  
اللَّهِ فَقَدْ فَازَ الْمُتَّقُونَ. قَالَ اللَّهُ تَعَالَى:

يَأَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ حَقَّ تُقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنْتُمْ  
مُسْلِمُونَ ﴿١٠٢﴾<sup>2</sup>

Dear blessed Muslims,

I sincerely remind all of us to altogether strive to increase our *taqwa* of Allah *Subhaanahu Wa Ta'aala* with the truest of *taqwa* by fulfilling all of His Commands and leaving out all of His prohibitions, as well as

<sup>1</sup> an-Nisaa' 4:3.

<sup>2</sup> Aal 'Imraan 3:102.



preserving our *'aqeedah* so that we will always attain *rahmah* (mercy) from Allah *Subhaanahu Wa Ta'aala*.

The *khutbah* today will discuss upon a topic which is **"THE DANGER OF SYNDICATED MARRIAGE."**

*Nikaah* (matrimony) is one of the *'ibaadah* (worship) commanded by Allah *Subhaanahu Wa Ta'aala* and it is also from among the main *sunnah* of Prophet Muhammad صلى الله عليه وسلم. *Nikaah* is also enjoined as an effort in maintaining the *silaaaturrahm* (ties of kinship) and the lineage of an individual in the future, in addition to establishing a blissful family in this world and the Hereafter.

With pure intention and objectives, the Islamic *Sharee'ah* has stipulated that it is *waajib* (obligatory) for every marriage conducted to fulfill its required *arkaan* (pillars) and *shuroot* (conditions) so that the main objective of the marriage will coincide with one of the element of *Maqaasid ash-Sharee'ah*, namely "preserving the *nasab* (lineage)," and actually implemented in the life of a family.

Therefore, as Muslims, specifically the residents in the state of Selangor, we must be cognizant that the marriage affairs conducted must be in accordance with the laws and regulations stipulated by the religious authorities so as to ensure that every *'aqd nikaah* (marriage contract) fulfills the rulings of *Shara'*, for the benefit of the husband, wife, and family members.

**Dearest audience,**

Of late, we often hear that more and more Muslims in Malaysia, specifically those in Selangor, have performed their marriage contract



abroad such as in Thailand, Indonesia, India, Pakistan, Bangladesh and other nations, where some of the *'aqd nikaah* performed had obtained permission from entrusted authorities such as various State Islamic Religious Departments in Malaysia, but sadly there were marriages conducted without obtaining permission beforehand.

Various reasons have been identified as the cause for *nikaah* to be performed abroad, and there are marriages that were performed without permission also known as "syndicated marriage," among them:

1. Engaging in polygamy without permission on the grounds that it is much easier without going through court procedures and without their wives' knowledge, whereas polygamy is recommended in building a wider family network with love and affection among family members;

2. Claiming that *wali nasab* (legal guardian) refused or disagreed in giving consent, while this matter can be resolved by applying for *wali haakim* or *raja* (guardian authorized by His Majesty Yang di-Pertuan Agong, the Sultan or Ruler) at the Lower *Sharee'ah* Court and it is far more easier and safer than long-term adverse effect;

3. Unmarried couple including those that have become pregnant. Hence, they assume that getting married outside of the country will conceal their shame, while in reality every sinful deed necessitates *tawbah* (repentance) and readiness to shoulder the responsibility with the birth of the illegitimate child;

4. Those married to foreign spouse thinking that it is convenient because one does not need permission from those responsible for that foreign spouse, while the registration process for unauthorized marriage



consumes a long time and will usually cause difficulty in obtaining visa to continue living in this country;

5. Malaysians living abroad due to studies or employment always assume that it is unnecessary to obtain permission from the authority, while various facilities are made available in obtaining consent for marriage.

### **Beloved Muslims,**

Do we actually realize or perhaps we just do not know that there are a plethora of problems that will surface due to having unauthorized marriage contract performed abroad. Have we thoroughly pondered upon its good and bad? Are we ready to deal with the marriage registration process in this country? Are we ready to endure the various problems that will usually cause heavy stress within the household? Or do we not care at all with what will happen for as long as our objective is achieved that some are even willing to transgress against the *Sharee'ah* of Allah *Subhaanahu Wa Ta'aala* and the law of the land! O Muslims! Think with a sane mind and a clear heart and with humility before wanting to try and pursue it.

I also would like to clarify that among the danger of conducting unauthorized *nikaah* abroad or syndicated marriage are;

1. The marriage registration process will consume a long time for it involves documentation and proceedings for re-registration, which requires verification from the Court and it gets more complicated if documents provided are inadequate or forged;

2. If the marriage is not registered, then there will be no valid Marriage Certificate and we must realize that Marriage Certificate is vital in



our lives as husbands and wives. Without it, we will be unable to register our children's birth as we would normally do, hence causing the status of citizenship and legitimation to be unascertained. Matters regarding medical treatment and educational affairs also will become problematic if one does not have citizenship status;

3. One will face problem when renewing visa to continue living in this country that in the end one is forced to travel in and out of the country, which will require high financial cost;

4. Estate management will also be affected because the relevant party will be unable to produce recognized marriage documentation;

5. Various claims in court such as divorce, legitimation of children, alimony, child custody, rights of polygamous wives, marital wealth, and others cannot be pursued if one fails to produce recognized Marriage Certificate.

6. It must also be remembered that the most painful matter is when the court finds the *nikaah* conducted abroad is invalid for not having fulfilled the rulings of *Shara'*, hence the marriage will be dissolved. The *fiqhi* maxim states:

الأَصْلُ فِي الْأُبْضَاعِ التَّحْرِيمُ

*"In principle, intimacy is prohibited."*

7. Legal action in accordance with the Islamic Family Law Enactment (Selangor) 2003 can be imposed for marriage without permission, which is punishable with a RM1000 fine or six-month imprisonment or both, if found guilty. Among the offenses that will be



imposed with fines are Section 124 for polygamy without consent, Section 40 for unauthorized marriage contract, Section 31 for late marriage registration, and Section 134 for complicity in conducting the marriage.

### **Dear blessed Friday congregants,**

Realizing upon the reality of the danger in unauthorized marriage conducted abroad or syndicated marriage, it is *wajib* upon the Muslims to take the following lessons:

1. *Nikaah* must be done according to the *Shara'* rulings and all rules that have been stipulated by the ruler, for the sake of family life with *mawaddah* (affection), *rahmah*, *sakeenah* (tranquility), and always attaining the pleasure of Allah *Subhaanahu Wa Ta'aala*.

2. Marriage that is conducted by not adhering to the law will cause various problems and incur loss upon many parties especially the husband and the wife, for not possessing valid Marriage Certificate.

3. The laws enacted are not meant to impose difficulties upon anyone, moreover the main purpose for the Islamic Family Law Enactment (Selangor) 2003 to be enforced is to preserve the welfare of the wife and children in the years to come.

أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ



وَمِنْ ءَايَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا  
إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ  
يَتَفَكَّرُونَ ﴿٢١﴾

**“And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought.”**

(ar-Room 30:21)

بَارَكَ اللَّهُ لِي وَلَكُمْ فِي الْقُرْآنِ الْعَظِيمِ، وَنَفَعَنِي وَإِيَّاكُمْ  
بِمَا فِيهِ مِنَ الْآيَاتِ وَالذِّكْرِ الْحَكِيمِ وَتَقَبَّلَ مِنِّي وَمِنْكُمْ  
تِلَاوَتَهُ، إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ.  
أَقُولُ قَوْلِي هَذَا وَأَسْتَغْفِرُ اللَّهَ الْعَظِيمَ لِي وَلَكُمْ وَلِسَائِرِ  
الْمُسْلِمِينَ وَالْمُسْلِمَاتِ، فَاسْتَغْفِرُوهُ إِنَّهُ هُوَ الْغَفُورُ الرَّحِيمُ

## THE SECOND KHUTBAH





الْحَمْدُ لِلَّهِ الَّذِي جَعَلَنَا مِنَ الْمُسْلِمِينَ، وَرَزَقَنَا مِنَ الطَّيِّبَاتِ.  
أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهَدُ أَنَّ  
مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ. اللَّهُمَّ صَلِّ وَسَلِّمْ وَبَارِكْ عَلَى سَيِّدِنَا  
مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ وَمَنْ تَبِعَهُمْ بِإِحْسَانٍ إِلَى يَوْمِ  
الدِّينِ. أَمَّا بَعْدُ، فَيَا عِبَادَ اللَّهِ، اتَّقُوا اللَّهَ، أُوصِيكُمْ وَإِيَّايَ  
بِتَقْوَى اللَّهِ فَقَدْ فَازَ الْمُتَّقُونَ.

Dear blessed audience,

Let us altogether strive to have the *taqwa* of Allah *Subhaanahu Wa Ta'aala* by increasing our obedience towards Him and avoiding acts of disobedience and abominable deeds.

إِنَّ اللَّهَ وَمَلَائِكَتَهُ يُصَلُّونَ عَلَى النَّبِيِّ يَا أَيُّهَا الَّذِينَ ءَامَنُوا صَلُّوا  
عَلَيْهِ وَسَلِّمُوا تَسْلِيمًا ﴿٥٦﴾  
اللَّهُمَّ صَلِّ وَسَلِّمْ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَأَصْحَابِهِ  
أَجْمَعِينَ.

اللَّهُمَّ اغْفِرْ لِلْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ  
الْأَحْيَاءِ مِنْهُمْ وَالْأَمْوَاتِ، إِنَّكَ سَمِيعٌ قَرِيبٌ مُجِيبُ الدَّعَوَاتِ



وَيَا قَاضِيَ الْحَاجَاتِ. اَللّٰهُمَّ اَعِزَّ الْاِسْلَامَ وَالْمُسْلِمِيْنَ، وَاَهْلِكَ  
الْكُفْرَةَ وَالْمُبْتَدِعَةَ وَالْمُشْرِكِيْنَ.

اَللّٰهُمَّ اِنَّا نَسْأَلُكَ وَنَتَوَسَّلُ اِلَيْكَ بِنَبِيِّكَ الْاَمِيْنِ، وَنَسْأَلُكَ  
بِاسْمَائِكَ الْحُسْنَى، وَصِفَاتِكَ الْعُظْمَى، اَنْ تَحْفَظَ بَعِيْنَ  
عِنَايَتِكَ الرَّبَّانِيَّةَ، وَبِحِفْظِ وَقَايَتِكَ الصَّمَدَانِيَّةَ، جَلَالَةَ مَلِكِنَا  
الْمُعْظَمِ، سُلْطَانَ سَلَاطُوْر، سُلْطَانَ شَرَفِ الدِّيْنِ اَدْرِيسِ شَاهِ  
الْحَاجِ ابْنِ الْمَرْحُوْمِ سُلْطَانَ صَلَاحِ الدِّيْنِ عَبْدِ الْعَزِيْزِ شَاهِ  
الْحَاجِ. اَللّٰهُمَّ اَدِمِ الْعُوْنَ وَالْهِدَايَةَ وَالتَّوْفِيْقَ، وَالصِّحَّةَ  
وَالسَّلَامَةَ مِنْكَ، لِوَلِيِّ عَهْدِ سَلَاطُوْر، تَعْكُوْ اَمِيْرِ شَاهِ ابْنِ  
السُّلْطَانَ شَرَفِ الدِّيْنِ اَدْرِيسِ شَاهِ الْحَاجِ، فِيْ اَمْنٍ وَصَلَاحٍ  
وَعَافِيَةٍ بِمَنْنِكَ وَكَرَمِكَ يَا ذَا الْجَلَالِ وَالْاِكْرَامِ. اَللّٰهُمَّ اَطْلُ  
عُمْرَهُمَا مُصْلِحِيْنَ لِلْمُوْظَفِيْنَ وَالرَّعِيَّةِ وَالْبِلَادِ، وَبَلِّغْ  
مَقَاصِدَهُمَا لِطَرِيْقِ الْهُدَى وَالرِّشَادِ.

O Allah, grant us guidance in performing the five obligatory prayers in congregation, fulfilling *zakaat* through Selangor *Zakaat* Board (LZS), making endowment (*waqf*) through *Perbadanan Wakaf Selangor* (Selangor Endowment Corporation) and giving away (*infaaq*) our wealth through *Tabung Infak Jariah Umat Islam Selangor* (TIJARI, Selangor Continuous



Charity for Muslims Fund), and to the orphans through Darul Ehsan Islamic Foundation (YIDE).

Make us among Your slaves that fulfills the *amaanah*. Strengthen our *imaan* so that we avoid treachery, protect us from becoming among those that neglect their responsibilities, and protect our state and nation from destruction due to bribery. Render the duty to lead our country upon Your slaves whom are trustworthy and honest, as well as firm and courageous in upholding the truth and executing justice according to the *Sharee'ah*. O Allah, make the *masaajid* and *suraus* in the state of Selangor as Your peaceful homes, uniting everyone, and serve as the heart of the *ummah's* strength.

اللَّهُمَّ يَا دَافِعَ الْبَلَاءِ، اذْفَعْ عَنَّا هَذَا الْوَبَاءَ وَالْبَلَاءَ وَالْمَرَضَ  
وَالشَّدَائِدَ وَالْمِحْنَ، بِلُطْفِكَ يَا لَطِيفُ إِنَّكَ عَلَى كُلِّ شَيْءٍ  
قَدِيرٌ وَبِالإِجَابَةِ جَدِيرٌ.

رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّتِنَا قُرَّةَ أَعْيُنٍ وَاجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا.  
رَبَّنَا ءَاتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي الآخِرَةِ حَسَنَةً وَقِنَا عَذَابَ النَّارِ ﴿٢٠١﴾.  
عِبَادَ اللَّهِ، إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَايَ ذِي الْقُرْبَى  
وَيَنْهَى عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ





فَاذْكُرُوا اللَّهَ الْعَظِيمَ يَذْكُرْكُمْ وَاشْكُرُواهُ عَلَى نِعَمِهِ يَزِدْكُمْ،  
وَاسْأَلُوهُ مِنْ فَضْلِهِ يُعْطِكُمْ وَلَذِكْرُ اللَّهِ أَكْبَرُ وَاللَّهُ يَعْلَمُ مَا  
تَصْنَعُونَ.