

MARRIAGE



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What does it mean to be married by law?

By Law, a legal marriage in Maldives can be between 2 Maldivian nationals or between a Maldivian national and a foreigner. Both parties must have given their consent. The marriage must however, be solemnized in compliance with the law stated in the Family Act. Both parties must be above 18 years old and must also be eligible for marriage based on the principles of Islamic Shariah.

What are the requirements for my marriage to be solemnized according to law?

Only the Registrar of Marriages can approve the solemnization of a marriage. He may only do so if the conditions under Islamic Shariah and the law are met.

Only a Judicial Mauzun can solemnize a marriage in the Maldives. On condition that:

- (i) one party has accepted the offer of marriage from another party; and
- (ii) this is done in the presence of the judicial guardian of the bride and 2 witnesses with the *wali* of the judicial guardian of the bride.

What are the circumstances where a woman CANNOT marry?

A woman cannot marry if:

- (i) She is under the *ismath* of a man - that is if she is currently married;
- (ii) She is observing the period of *iddah* after a divorce (except if it is with her former husband);
- (iii) She has been divorced 3 times by the same husband, she cannot marry the said husband unless she has observed the period of *iddah* of a marriage contract with another man and that marriage has been consummated; or
- (iv) She is a widow and has not completed observing a period of 4 months and 10 days from the date of her husband's death.

Is my husband allowed to marry when he is still married to me?

Yes, he however cannot be married to more than 4 women at a time. He is allowed to do so upon approval of his application by the Registrar of Marriages.

The Registrar of Marriages will consider his financial competence, the number of dependents he may have and whether his reasons based on the principles of Islamic Shariah are acceptable to the Registrar of Marriages.

The man/woman I want to marry is not a Muslim. Is this allowed?

A Maldivian woman cannot marry a non-Muslim man. However, if the man has taken the necessary steps to convert to Islam, they may proceed to marry.

A Maldivian man may marry a non-Muslim if she is permitted by the Islamic Shariah to contract a marriage with a Muslim man.

My daughter is about to marry but we are not able to obtain *wali* of the bride's judicial guardian. How do we proceed?

If the reasons you are not able to obtain *wali* is any of the following:

- (i) There is no judicial guardian alive;
- (ii) *Wali* is withheld by the judicial guardian without reasonable cause;
- (iii) You do not know the whereabouts of the judicial guardian;
or
- (iv) The judicial guardian lacks the requirements to grant *wali*,

Then, the marriage may be solemnized with judicial consent by the Judicial Mauzan.

I am about to marry, is it necessary for my future husband to provide mahr/dowry?

Upon solemnization of marriage, a woman is entitled to *mahr*/dowry. Based on the principles of Islamic Shariah, the man is responsible to provide *mahr*/dowry. Only the woman can

determine the type and amount of *mahr*/dowry, other parties have no right to interfere in this decision. The type and amount of *mahr*/dowry must be permissible under Islamic Shariah.

For dowry, any item of value or any benefit or work which is permissible under Islamic shariah is allowed.

My fiancé suggested that we sign a nuptial agreement before getting married. This agreement is supposed to include how our finances and property should be divided in the event something goes wrong with our marriage. Is this allowed?

Yes, this is allowed. However, do note that you should only do so if you have understood the implications and you agree to the terms of the agreement. It is always best to consult a lawyer. The terms in the agreement must be in accordance with the principles of Islamic Shariah.