

Selected Issues in Family Law

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Nora A. Hak



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EDITED BY

NORA A. HAK



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CHAPTER 1

DEFINITION OF MARRIAGE: IS 'SAME SEX MARRIAGE' A MARRIAGE?

By

Hanna Ambaras Khan and Nora Abdul Hak

Introduction

Marriage is the union of man and woman. It ties the relationship between two persons from different sexes who chose to live together for the rest of their life. The traditional definition of marriage has been changed in some countries due to the latest development of their social system. Currently, the same sex couples are demanding changes in the definition of marriage to include them so as to enable them to have the same rights as the heterosexual couples. However, not many countries are willing to grant their demand. They instead acknowledge the relationship by providing the same sex couples with laws under the name of civil union or partnership. The recognition is given but unequal to married couples which have been exclusively provided for the heterosexual couples. This chapter refers to the law in the United States, Australia and Malaysia. It is hoped that by comparing the three countries, suggestions and recommendations could be made to maintain the definition of marriage in Malaysia.

Definition of Marriage

Marriage may be defined as the personal union of two individuals of different sexes, as an expression of supreme love to each other, in accordance with some legal form and for life. It is a social union or legal