

SAFEGUARDING LINEAGE AND INHERITANCE: LEGAL AND SHARIAH FOUNDATIONS FOR A MUSLIM FAMILY REGISTRY SYSTEM IN MALAYSIA

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Abstract: *This article provides a comparative analysis of Muslim family data governance in Malaysia, Morocco, and Indonesia, with specific emphasis on the legal, administrative, and technological structures that regulate the recording, protection, and verification of family-related information. Despite the centrality of accurate family data to Islamic family law, inheritance distribution, welfare eligibility, and identity management, many Muslim-majority jurisdictions continue to grapple with fraud, forgery, and systemic gaps in data administration. Malaysia in particular faces challenges arising from a fragmented governance framework in which Muslim family events are registered separately by federal civil authorities and state-level Syariah institutions, creating vulnerabilities that enable data manipulation, concealment of heirs, forged documents, and inconsistent record-keeping. By contrast, Morocco and Indonesia provide useful comparative models of more integrated family and civil-status administration. Through doctrinal analysis, statutory comparison, and administrative review, this article identifies continuing shortcomings in Malaysia's current framework, including jurisdictional overlap, non-uniform procedures across states, uneven interoperability between federal and State systems, and the exclusion of the Federal and State Governments from the Personal Data Protection Act 2010. The Data Sharing Act 2025 (Act 864) now provides an important federal framework for public-sector data sharing, but its direct application is confined principally to Federal public-sector agencies and Federal statutory bodies and does not, by itself, resolve the coordination of State Islamic family-law records. The findings therefore support a harmonised, technology-enabled Muslim family registry framework, supported by appropriate federal and State legal mechanisms, secure interoperability, and Syariah-compliant governance.*

Keywords: *Muslim family data; Forgery; Fraud; Syariah courts; Family Book; Kartu Keluarga; Family registry*

Introduction

Accurate and reliable Muslim family data serve as the backbone of legal rights, identity determination, and social governance in Muslim-majority jurisdictions. Marriage, divorce, lineage, guardianship, and inheritance are core pillars of Islamic family law, depend on the proper documentation and verification of family relationships. Inaccurate or incomplete records do not merely distort administrative processes; they may have serious consequences including unlawful marriages, wrongful distribution of estates, misidentification of heirs, child custody disputes, and fraudulent access to public benefits. The integrity of family records is therefore essential not only for legal certainty but also for the preservation of *nasab*, a value deeply rooted in Islamic jurisprudence.

In Malaysia, the administration of Muslim family data is characterised by a constitutionally divided structure. Birth and death registration is administered federally through the National Registration Department (NRD), whereas Muslim marriage, divorce and related family-law matters fall within State jurisdiction and are administered through State Islamic Religious Departments and the Syariah courts. This institutional separation can complicate cross-verification, produce inconsistent or outdated records across agencies, and increase the administrative burden when legal status, lineage or entitlement must be established across different systems. The problem is therefore better understood as one of fragmented authority and uneven interoperability rather than the complete absence of digital administration.

Comparatively, Morocco and Indonesia have developed more centralised or nationally coordinated civil-registration frameworks. Morocco's current civil-status framework is governed by Law No. 36-21 on Civil Status, which supports a national electronic civil-status system alongside family documentation, while Indonesia's Kartu Keluarga is integrated with the National Identification Number (NIK) and the population-administration framework under Law No. 23 of 2006 as amended by Law No. 24 of 2013. These models do not eliminate administrative challenges, but they illustrate how common identifiers, standardised registration rules, and interoperable databases can facilitate verification and updating of family-status information (Kingdom of Morocco, 2021; Republic of Indonesia, 2013).

Despite Malaysia's significant advancements in digital identity and public-sector digital infrastructure, the country still lacks a single legally coordinated framework that integrates federal civil-registration data with State-administered Muslim family-law records. The Personal Data Protection Act 2010 excludes the Federal Government and State Governments from its application, while the Data Sharing Act 2025 (Act 864) now establishes a statutory framework for data sharing within the Federal public sector. However, Act 864 does not directly bind State Governments and therefore does not, on its own, resolve the constitutional and institutional coordination required for a nationwide Muslim family registry (Personal Data Protection Act 2010, s. 3; Data Sharing Act 2025).

This article argues that Malaysia must reconfigure its family data governance framework to align with the more integrated models of Morocco and Indonesia. It proposes the introduction of a new statute, the *Registration of Family Registry Act* to unify data governance and establish a secure, technology-based structure grounded in principles of transparency, accuracy, and Syariah compliance. Through a comparative legal analysis, the article examines the strengths and weaknesses of each country's system, drawing insights for legislative and administrative reform.

This paper will sets out on the conceptual and theoretical foundations of family data governance, drawing on Islamic jurisprudence, administrative law, and digital governance theory; analyses Malaysia's current legal and administrative framework, highlighting structural vulnerabilities and case-based examples of fraud and forged documents; provides a comparative assessment of Morocco and Indonesia, focusing on statutory frameworks, administrative structures, and technological integration; and synthesises the comparative insights and proposes a detailed governance framework and legislative model for Malaysia.

Literature Review and Theoretical Framework

Research on family data governance in Muslim-majority jurisdictions spans multiple fields—including Islamic family law, administrative law, digital identity systems, and comparative legal studies. Existing literature in Malaysia, Morocco, and Indonesia reveals overlapping concerns about accuracy of records, fraud prevention, data integration, and the need for legal reforms.

Early Malaysian scholarship on Muslim family law emphasised the legal importance of accurate documentation of marriage, divorce and family status in protecting rights and avoiding uncertainty. Ahmad Ibrahim's work remains foundational in explaining the statutory development of Muslim family law in Malaysia, while later constitutional scholarship highlights the structural consequences of Malaysia's federal allocation of Islamic-law jurisdiction. (Ibrahim, 1997; Harding, 2002; Shuaib, 2012) For estate administration, the continued search for more integrated institutional models also reflects practical concerns about fragmented processes and the need for coordinated service delivery (Hasbullah et al., 2021).

The literature further demonstrates that Malaysian Islamic administration operates within a legally plural and institutionally divided framework. Accordingly, problems of verification should not be attributed automatically to weak criminal enforcement or to a single jurisdictional cause. Rather, the central issue for this study is whether existing federal and State legal frameworks provide sufficiently clear authority, interoperable processes and reliable records for cross-agency verification of Muslim family status (Federal Constitution of Malaysia, Ninth Schedule, List II; Shuaib, 2012).

In contrast, Morocco's civil-status system has undergone substantial modernisation. Although the earlier Law No. 37-99 formed part of the historical development of civil-status administration, the current framework is centred on Law No. 36-21 on Civil Status, which provides a legal basis for a national electronic civil-status register and contemporary civil-status documentation. This development is particularly relevant to the present study because it illustrates how legislative reform can accompany administrative and technological integration (Kingdom of Morocco, 2021).

Indonesian scholarship and legislation likewise provide a useful comparative model. The Kartu Keluarga (KK) and National Identification Number (NIK) operate within the national population-administration framework established by Law No. 23 of 2006 as amended by Law No. 24 of 2013. The framework supports the consolidation and updating of population and family data, although implementation quality and digital access may still vary across regions (Republic of Indonesia, 2013).

Comparative scholarship specifically focused on the governance of Muslim family data across Malaysia, Morocco and Indonesia remains relatively limited. The present article therefore

contributes to this literature by comparing the legal authority, institutional design and digital interoperability features of the three jurisdictions, with particular attention to their relevance for the protection of lineage and inheritance rights.

Theoretical Framework

This study employs a multidisciplinary theoretical framework integrating Islamic legal theory, administrative governance principles, and modern digital data management concepts.

Islamic Legal Foundations: Tawthiq, Sidq, and the Preservation of Nasab

Islamic jurisprudence places significant value on documentation (*tawthiq*) as a means of establishing legal certainty, preserving rights and reducing disputes. Classical juristic works recognise the evidentiary and administrative importance of reliable records in transactions and legal relationships, while contemporary family administration gives documentation an especially important practical role in proving marital status, lineage and inheritance entitlement (Al-Kasani, 1986).

The Qur'anic injunction in Surah al-Baqarah (2:282) directly concerns the documentation of debt transactions, but it also illustrates the preventive and evidentiary value of accurate written records. In the context of family governance, the normative justification for reliable registration is more appropriately connected to the protection of rights, the avoidance of dispute and the preservation of lineage rather than treating the verse as a direct command concerning modern family registries (Ibn Kathir, 1999).

Preservation of lineage (*hifz al-nasab*) is closely connected to the higher objectives of Islamic law (*maqasid al-shariah*). Accurate family records therefore perform more than an administrative function: they help protect legal identity, marital status and inheritance entitlements. Deliberate falsification or manipulation of such records is inconsistent with the Islamic duties of truthfulness (*sidq*), trust (*amanah*) and protection of the rights of others (Al-Ghazali, 1997; Ibn Qudamah, 1997).

Administrative Governance Theory: Centralisation, Harmonisation, and Accountability

Administrative governance provides a second analytical lens. Effective public administration depends on clear institutional responsibilities, reliable information flows and accountable coordination across organisational boundaries. Research on interagency information sharing identifies substantial public benefits from coordinated information exchange while also emphasising technical, organisational and governance risks; platform-based government scholarship similarly stresses simplification, shared infrastructure and reusable digital services (Dawes, 1996; Janssen & Estevez, 2013).

A more integrated family-registry framework may improve standardisation, data consistency and administrative accountability, but Malaysia's federal-State division of powers limits the feasibility of simple centralisation. Muslim personal and family law falls principally within State jurisdiction, while national registration and many digital-government functions are administered federally. This legal pluralism can produce duplication, coordination costs and uneven procedures unless integration is supported by clear legal authority and intergovernmental arrangements (Federal Constitution of Malaysia, Ninth Schedule, List II; Harding, 2002; Shuaib, 2012).

Digital Data Governance: Integrity, Interoperability, and Security

Modern digital governance requires attention to data integrity, interoperability, security, privacy and institutional accountability. Reliable records must preserve accuracy and authenticity across their lifecycle, while interoperability requires agencies to exchange information through legally authorised and technically secure mechanisms. In Malaysia, the Data Sharing Act 2025 (Act 864) now provides a statutory framework for data sharing among Federal public-sector agencies and Federal statutory bodies and establishes the National Data Sharing Committee. The Act nevertheless does not directly bind State Governments, which is significant because Muslim family-law records are principally generated and administered at State level. Malaysia's legal pluralism therefore remains central to the design of any Muslim Family Registry System: the challenge is to connect federal and State records without displacing constitutionally allocated State authority (Data Sharing Act 2025; Federal Constitution of Malaysia, Ninth Schedule, List II; Merry, 1988).

From an applied computing and information-systems perspective, the proposed MFRS should be treated as an interoperable decision-support infrastructure rather than merely a centralised database. Decision-support systems research emphasises the importance of information quality and system design for supporting legally consequential decisions, while cross-boundary information-sharing research shows that institutional silos can increase administrative friction and coordination costs. Platform-based government models further support the use of shared standards and reusable digital services. For Malaysia, standardised Application Programming Interfaces (APIs) can enable authorised, near real-time verification across participating institutions, provided that access is purpose-limited, authenticated, logged and subject to human oversight for decisions affecting legal status or inheritance rights (Arnott & Pervan, 2005; Dawes, 1996; Janssen & Estevez, 2013; Data Sharing Act 2025).

Research Methodology

This study employs a qualitative methodology based on doctrinal legal analysis and comparative legal research. The doctrinal component examines primary legal sources, including constitutions, statutes, regulations and judicial authorities, together with relevant academic literature, policy materials and classical Islamic jurisprudence (fiqh). The comparative component contrasts Malaysia's constitutionally divided civil-Syariah framework with Morocco and Indonesia. Morocco and Indonesia are selected as functional comparators because both administer Muslim family matters alongside nationally coordinated civil-registration systems, yet they adopt different legal and institutional approaches to centralisation and digital integration. The comparison is used to identify regulatory gaps, design options and transferable safeguards; it therefore provides a normative and comparative, rather than empirical, foundation for the proposed Muslim Family Registry System.

Comparative Legal and Administrative Frameworks for Muslim Family Data Governance in Malaysia, Morocco and Indonesia

Structural Organisation of Family Data Systems

A comparative review reveals that Muslim family-data governance in Malaysia, Morocco and Indonesia reflects different constitutional structures, institutional arrangements and levels of digital integration. In Malaysia, birth and death registration is administered federally through JPN, while Muslim marriage, divorce and other Islamic family-law matters are governed principally by State legislation and administered through State religious authorities and Syariah institutions. The resulting architecture is constitutionally legitimate but institutionally

dispersed, making cross-agency verification dependent on legal authority, administrative coordination and interoperable technical systems (Federal Constitution of Malaysia, Ninth Schedule, List II).

Morocco operates a more nationally coordinated civil-status framework. The Family Code (Moudawana) governs family-law matters, while Law No. 36-21 on Civil Status provides the contemporary legal foundation for civil-status registration and the national electronic civil-status architecture. The Moroccan model therefore demonstrates how family-law documentation and civil-status administration can operate within a nationally standardised registration environment without treating the family book itself as the sole database (Kingdom of Morocco, 2004, 2021).

Indonesia provides another coordinated model. The Kartu Keluarga (Family Card) is administered within the national population-registration system by the Ministry of Home Affairs through Dukcapil, with individuals linked through the National Identification Number (NIK). Islamic marriages are registered through the Office of Religious Affairs (KUA), while population records are integrated into the wider population-administration framework. Compared with Malaysia, the principal comparative advantage lies not in a simple distinction between 'digital' and 'paper-based' administration, but in the stronger use of common identifiers and nationally standardised population-data architecture (Republic of Indonesia, 2013, 2019).

Legal Underpinnings and Statutory Authority

Malaysia does not currently have a single statute establishing a comprehensive Muslim family registry. Instead, relevant legal authority is distributed across the National Registration Act 1959, State Islamic family-law enactments, Syariah procedural legislation, the Personal Data Protection Act 2010, the Data Sharing Act 2025 and other applicable laws. The Data Sharing Act 2025 is an important development because it provides a clear federal legal framework for public-sector data sharing; however, its direct statutory application does not extend to State Governments. Accordingly, the principal gap is not the complete absence of data-sharing law, but the absence of a dedicated federal-State legal mechanism governing the integration and verification of Muslim family records across constitutional jurisdictions (Data Sharing Act 2025; Federal Constitution of Malaysia, Ninth Schedule, List II).

Morocco, conversely, combines the Family Code with a modern civil-status statute. Law No. 36-21 on Civil Status strengthens the legal basis for contemporary registration, authentication and correction of civil-status information and supports the transition to an electronic national civil-status framework (Kingdom of Morocco, 2021).

Indonesia's approach is governed chiefly by Law No. 23/2006 (as amended by Law No. 24/2013) on Population Administration, which legally mandates a unified population database linking all demographic and family events. Thus, non-registration (including of marriage and divorce) may attract administrative sanctions (Republic of Indonesia, 2013).

In comparison with Morocco and Indonesia, Malaysia's statutory foundation remains more institutionally dispersed. Any proposed Muslim Family Registry framework should therefore complement, rather than duplicate, the Data Sharing Act 2025 and should provide a constitutionally appropriate mechanism for federal-State participation, common data standards, secure verification and Syariah-sensitive governance.

Privacy and Data Protection Regimes

Malaysia's Personal Data Protection Act 2010 (PDPA) does not apply to the Federal Government or State Governments. This means that government-held Muslim family data is not protected by the PDPA in the same manner as personal data processed within its commercial scope. The Data Sharing Act 2025 now imposes a dedicated governance framework for federal public-sector data sharing, including security and confidentiality requirements, but it is not a comprehensive replacement for a public-sector personal-data protection regime and does not directly bind State Governments. Morocco's Law No. 09-08 and Indonesia's Law No. 27 of 2022 provide useful comparative examples of statutory personal-data governance, although each operates within its own constitutional and administrative context (Personal Data Protection Act 2010, s. 3; Data Sharing Act 2025; Kingdom of Morocco, 2009; Republic of Indonesia, 2022).

Fraud Vulnerabilities and Document Integrity

Fragmented or institutionally separated records can increase the time and complexity required to verify marital status, lineage and inheritance entitlement, particularly where several agencies hold different parts of the relevant information. Such fragmentation does not itself prove a higher incidence of fraud, but it can create verification gaps that may be exploited by false declarations or forged documents. Malaysia's Penal Code already criminalises relevant forms of false declaration and forgery; the policy question is how administrative authentication, audit trails and lawful cross-agency verification can complement those criminal provisions (Penal Code, ss. 199, 465–471; Dawes, 1996).

Accordingly, Morocco and Indonesia should not be presented as jurisdictions with demonstrably lower rates of registry fraud unless comparative empirical data are available. The more defensible comparative conclusion is that nationally coordinated identifiers, standardised registration procedures and interoperable systems may reduce inconsistencies and make verification more efficient.

Shariah Conceptual Alignment

The proposed framework is also capable of alignment with Shariah principles. The concepts of *tawthiq* (documentation), *sidq* (truthfulness), *amanah* (trust) and *maslahah* (public welfare) provide an ethical and juristic basis for accurate and reliable family records. Morocco's Family Code and civil-status legislation institutionalise formal documentation of family and civil status, while Indonesia's statutory registration framework similarly requires legally recognised recording of population and family events. The Malaysian model should therefore translate these principles into clear legal duties of accuracy, confidentiality, verification and correction rather than rely on broad assertions that existing foreign administrative rules are themselves direct expressions of Shariah doctrine (Kingdom of Morocco, 2004, 2021; Republic of Indonesia, 2013).

Policy Gaps and Challenges in Malaysia

Fragmentation of Civil–Syariah Data Systems

Malaysia's federal constitutional allocation of powers remains the principal structural constraint on any fully centralised Muslim family registry. Civil registration and federal digital-government infrastructure operate at federal level, while Islamic family law falls within the State List. The Data Sharing Act 2025 now facilitates federal public-sector data sharing and the Malaysian Government Central Data Exchange (MyGDX) provides an API-based mechanism

that may also be used by State Governments subject to appropriate legal authority and agreements. Accordingly, the policy challenge is to develop interoperable federal–State arrangements rather than assume that all records can simply be absorbed into a single federal database (Federal Constitution of Malaysia, Ninth Schedule, List II; Data Sharing Act 2025).

Absence of a Dedicated Family Registry Statute

Malaysia's remaining legal gap is best described as the absence of a dedicated, constitutionally coordinated framework for Muslim family-record integration, rather than the absence of any data-sharing law. Family-related information is currently governed through several federal and State statutes and administered by institutions exercising different constitutional functions. The Data Sharing Act 2025 improves the legal foundation for Federal public-sector data sharing, but it does not directly govern State Islamic authorities. A dedicated framework for the Muslim Family Registry System should therefore establish common registration and verification standards, lawful federal–State data-exchange mechanisms, correction procedures, role-based access, audit requirements and appropriate safeguards for sensitive religious and familial information. Such a framework could take the form of coordinated federal and State legislation, model State provisions, intergovernmental agreements and subsidiary technical standards rather than relying exclusively on one centralising statute (Data Sharing Act 2025; Shuaib, 2012).

Weak Legal Remedies for Fraud in Family Documentation

Existing legal remedies already address false declarations and forgery, including sections 199 and 465–471 of the Penal Code. The principal difficulty for Muslim family documentation is therefore not necessarily the absence of criminal offences, but the evidentiary and administrative complexity that can arise when disputed family status is recorded across different institutions. The Federal Court decision in *Latifah Mat Zin v. Rosmawati Sharibun & Anor* [2007] 5 MLJ 101 illustrates the importance of carefully distinguishing civil and Syariah jurisdiction in matters connected with Muslim estates, although it is not a document-forgery prosecution. A stronger registry framework should consequently focus on preventive controls in term of authentication, traceable amendments, correction procedures and lawful cross-agency verification, while leaving criminal liability to appropriately drafted existing or future offences (*Latifah Mat Zin v. Rosmawati Sharibun & Anor*, 2007; Penal Code, ss. 199, 465–471).

Proposed Framework: Registration of Family Registry Act

The proposed framework aims to address structural, administrative and legal deficiencies in Malaysia's Muslim family-data governance. Its design should be informed by comparative experience in Morocco and Indonesia, by Malaysia's existing Data Sharing Act 2025, and by established civil-registration and vital-statistics governance principles (Data Sharing Act 2025; United Nations Department of Economic and Social Affairs, 2021).

Establishment of a Centralised Muslim Family Registry (MFR)

The MFRS should be conceived as a nationally coordinated and interoperable registry architecture rather than necessarily as a single federal database. It should enable authoritative verification of relevant family events and status, including marriage, divorce, *ruju'*, birth, lineage (*nasab*), guardianship or custody information where legally appropriate, inheritance-related status and death records while preserving the statutory authority of the agencies that create and maintain those records. Morocco's Law No. 36-21 and Indonesia's population-administration framework demonstrate different ways in which nationally standardised records

can be coordinated through common legal and technical architecture (Kingdom of Morocco, 2021; Republic of Indonesia, 2013).

Mandatory Digital Registration and Real-Time Updating

Family-related events should be updated within legally defined timelines and made available for authorised verification through secure interoperability mechanisms. Relevant institutions may include JPN, Syariah courts, State Islamic Religious Departments, estate-administration bodies and, where legally justified for a defined purpose, other public agencies. Private financial institutions should not receive unrestricted registry access; verification should occur only through a lawful, purpose-limited interface or authorised data request. Malaysia's Data Sharing Act 2025 and MyGDX infrastructure provide an existing foundation for secure public-sector API-based exchange at the federal level, although State participation requires appropriate legal authority and governance arrangements (Data Sharing Act 2025).

Authentication Mechanisms

The proposed framework should employ proportionate, risk-based authentication controls, including strong identity verification, digital signatures or verifiable QR credentials, role-based access control, encryption, tamper-evident audit logs and controlled correction workflows. Distributed-ledger or blockchain technology should not be treated as a mandatory feature; it should be adopted only if a demonstrated technical and legal need justifies its cost, governance model and data-protection implications. The emphasis should remain on evidentiary reliability, traceability and interoperability rather than on any single technology.

Criminalisation of Non-Disclosure and Fraud

The proposed framework should expressly address fraudulent conduct affecting family records, including false declarations, deliberate suppression of legally relevant information, falsification of marital status and unauthorised alteration of electronic records. Any new offence should be drafted to complement, rather than duplicate, existing offences under the Penal Code and other applicable legislation. Comparative provisions may be drawn from Morocco's civil-status legislation and Indonesia's Population Administration Law, both of which attach legal consequences to inaccurate or unlawful registration conduct (Penal Code, ss. 199, 465–471; Kingdom of Morocco, 2021; Republic of Indonesia, 2013).

Embedding Shariah Principles

To establish legal and ethical legitimacy, the MFRS should expressly incorporate the Shariah values of *tawthiq* (reliable documentation), *sidq* (truthfulness), *amanah* (trust) and *maslahah* (public welfare). These principles should be operationalised through concrete legal duties: accurate reporting, verified amendments, confidentiality, prevention of unauthorised disclosure and procedures for correcting erroneous family-status information. This approach grounds the system in Islamic legal values without overstating the content of foreign statutes.

Privacy and Data Protection Guarantees

Because Muslim family records may contain highly sensitive information relating to religion, marital status, lineage, inheritance and judicial proceedings, the MFRS requires a clear public-sector privacy and security framework. Malaysia's PDPA excludes the Federal Government and State Governments, while the Data Sharing Act 2025 establishes governance and confidentiality obligations for federal public-sector data sharing. A future MFRS should therefore be subject to specific statutory safeguards governing purpose limitation, data minimisation, access control, auditability, breach response, correction rights and accountability.

Morocco's Law No. 09-08 and Indonesia's Law No. 27 of 2022 provide comparative legislative models for personal-data protection, but any Malaysian solution must be tailored to Malaysia's federal constitutional structure (Personal Data Protection Act 2010, s. 3; Data Sharing Act 2025; Kingdom of Morocco, 2009; Republic of Indonesia, 2022).

Privacy, Data Protection, and Security Guarantees for the Muslim Family Registry System (MFRS)

To operationalise the Muslim Family Registry System (MFRS) while safeguarding sensitive religious and familial data, a targeted reform of Malaysia's data protection, registration, and cybercrime framework is required. The reforms proposed below address structural gaps in the Personal Data Protection Act 2010 (PDPA), resolve federal–state jurisdictional duality, and introduce Shariah-compliant ethical governance mechanisms grounded in amanah (trust) and sirriyah (confidentiality).

Extension of PDPA Coverage to Public Data Integration Programmes

Malaysia's PDPA excludes the Federal Government and State Governments from its application, while the Data Sharing Act 2025 now regulates data sharing within the Federal public sector. Accordingly, the proposed MFRS should not be justified on the basis that public-sector integration is wholly unregulated. The more precise reform question is whether Malaysia should introduce additional public-sector personal-data safeguards, either through amendment of the PDPA, a dedicated public-sector data-protection statute, or MFRS-specific legislation, so that sensitive Muslim family data is subject to enforceable principles of purpose limitation, minimisation, security, accountability and individual correction (Personal Data Protection Act 2010, s. 3; Data Sharing Act 2025).

Introduction of Section 3A: Public Data Integration Programme (PDIP)

If the MFRS is established through dedicated legislation, that legislation should define the legal basis and purposes for inter-agency data exchange, identify participating federal and State authorities, prescribe access and correction procedures, and specify the relationship between the MFRS, the Data Sharing Act 2025 and other written laws. A separate amendment to the PDPA should be proposed only after determining the preferred national model for public-sector data protection; it should not be assumed that a new section 3A is the only legally available mechanism.

Subsidiary Legislation: Religious and Lineage Data Protection Regulations

Shariah-sensitive governance may additionally be supported through subsidiary regulations or binding technical standards specifically addressing religious and lineage data. Such instruments should define protected data categories, prescribe encryption and role-based access controls, require secure audit trails, regulate disclosure and retention, and establish correction and review mechanisms. The ethical principles of amanah (trust) and sirriyyah (confidentiality) may be expressly incorporated as governance values, but enforceable duties should be stated in clear legal and technical terms. Comparative reference may be made to Morocco's Law No. 09-08 and Indonesia's Law No. 27 of 2022 (Kingdom of Morocco, 2009; Republic of Indonesia, 2022).

Resolving Federal–State Jurisdictional Duality

Amendment to the National Registration Act 1959 (Act 78)

To facilitate lawful interoperability between JPN and State Islamic Religious Authorities, amendments to the National Registration Act 1959 and corresponding State enactments may be considered where existing legal powers are insufficient. Rather than predetermine the exact wording of a new section, the legislation should authorise defined categories of data exchange, specify the purposes of verification, preserve the originating authority's control over its records, and require security, logging and correction procedures. Implementation should be supported by federal–State agreements and common technical standards.

Islamic Law Enabling Provisions

Corresponding enabling provisions may also be required in the Administration of Islamic Law (Federal Territories) Act 1993 and relevant State enactments to authorise controlled sharing or verification of marriage, divorce, conversion, lineage and other legally relevant family-status records. Because Islamic law is principally a State List matter, the legal design should preserve State legislative competence while enabling interoperable verification with federal registration systems (Federal Constitution of Malaysia, Ninth Schedule, List II).

Security and Ethical Accountability Mechanisms

New Criminal Offences

The MFRS framework should establish clear criminal and administrative consequences for unauthorised access, alteration, disclosure or deliberate misuse of Muslim family data. Penalties should be calibrated to the seriousness of the conduct and harmonised with existing offences under the Penal Code, the Computer Crimes Act 1997, the Cyber Security Act 2024 and any applicable data-protection legislation. A fixed penalty figure should not be proposed without a comparative sentencing and proportionality analysis.

Amendment to the Computer Crimes Act 1997

Cybersecurity protection for the MFRS should be assessed under the Computer Crimes Act 1997 and, where applicable, the Cyber Security Act 2024 (Act 854). The Cyber Security Act 2024 establishes Malaysia's contemporary framework for the management of cyber-security threats and incidents affecting National Critical Information Infrastructure (NCII). If any component of the MFRS falls within a designated NCII sector or entity, the relevant statutory duties should apply; otherwise, MFRS-specific security duties should be prescribed in its enabling legislation and technical standards (Cyber Security Act 2024; Computer Crimes Act 1997).

Execution and Compliance Oversight

The National Digital Department (NRD), together with the relevant federal and State authorities, should serve as the principal technical coordination body for interoperability, digital architecture and secure government data exchange. This reflects the restructuring of MAMPU's public-sector digitalisation functions into JDN under the Ministry of Digital. Cybersecurity oversight should involve the competent national cybersecurity authorities where the applicable statutory thresholds are met (Ministry of Digital Malaysia, 2024; Data Sharing Act 2025).

Operational Recommendations

From an operational perspective, the MFRS could generate a verified digital family-relationship statement following the registration of a death, drawing only from legally authoritative source records. Its evidentiary status and use by estate-administration bodies or financial institutions should be expressly defined by legislation and should not displace judicial determination where lineage, marital status or heirship is disputed. Once a competent authority or court determines the dispute, the relevant source record and the MFRS should be corrected through an auditable update process.

Expected Impact and Benefits

Economic Impact

A more reliable and interoperable family-record system may reduce administrative delay, duplicate verification and the cost of resolving inconsistent family-status information. It may also facilitate more timely estate administration and transfer of assets to lawful beneficiaries. However, estimates of the value of 'frozen' or unclaimed Muslim estates vary across sources, and such figures should not be treated as equivalent to foregone gross domestic product or converted mechanically into a projected GDP-growth effect. The economic case for the MFRS is therefore better framed in terms of administrative efficiency, asset mobilisation, reduced dispute costs and improved household access to inherited property.

Social and Institutional Impact

A comprehensive and integrated Muslim family records management system would contribute to greater legal certainty and reduce inheritance disputes by ensuring the accuracy and reliability of family documentation. It would also strengthen the protection of vulnerable heirs, particularly women and children, by safeguarding their legal rights and entitlements in inheritance matters. Furthermore, a more transparent and efficient records management framework would enhance public confidence in Islamic administrative institutions, improve institutional accountability, and promote greater efficiency in the administration of Muslim family affairs.

Constitutional Pathways for Implementation

A federal legislative model requires careful constitutional design under Articles 74–76 and the Ninth Schedule of the Federal Constitution. Article 75 regulates inconsistency between valid federal and State laws; it does not itself confer a new legislative power on Parliament. Where elements of the MFRS concern matters within the State List, constitutionally defensible implementation may require coordinated State enactments, model provisions, adoption mechanisms, federal–State agreements and interoperable technical standards. Any reliance on Article 76 should be assessed according to the specific constitutional basis and procedural requirements applicable to the proposed legislation (Federal Constitution of Malaysia, Arts. 74–76 & Ninth Schedule).

Alternatively, under Option 2 (State-Level Legislative Amendments), each State may amend its Islamic Family Law Enactment to introduce a "*Daftar Keluarga Islam*", with operational details prescribed through subsidiary legislation (*Kaedah*), consistent with the State List under the Ninth Schedule of the Federal Constitution.

Conclusion

Malaysia's main challenge is not the lack of digital-government or data-sharing laws, but the fragmentation of Muslim family records between federal and State institutions operating under different constitutional powers. Although the Data Sharing Act 2025 improves federal public-sector data sharing, it does not fully integrate State Islamic family-law records or establish a complete privacy framework for such data. The article therefore proposes the Muslim Family Registry System (MFRS) as a coordinated legal and digital framework, rather than simply a central database. The MFRS should complement existing federal laws while relying on State Islamic-law enactments for authority over Muslim family records. It should combine interoperability, privacy, cybersecurity and Shariah principles such as *tawthiq*, *sidq*, *amanah*, and *maslahah 'ammah*. Implementation should be based on cooperative federalism, with federal and State laws working together rather than bypassing constitutional divisions. Comparative experience from Morocco and Indonesia shows that coordinated national registration systems are feasible, but Malaysia's model must reflect its own federal constitutional structure. The MFRS may also improve estate administration by reducing verification delays, improving heir identification, lowering transaction costs and protecting vulnerable beneficiaries. However, its economic benefits should be stated cautiously and should not be linked to unsupported claims of automatic GDP growth. Overall, the MFRS is presented as both a legal and technological reform capable of creating a more integrated, secure and equitable system of Muslim family governance in Malaysia.

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