



**CHAPTER IV**  
**CONCLUSION AND SUGGESTION**

1. Conclusion

1. Marriage cancellation in Indonesia and Malaysia basically have the same legal basis, i.e. based on the classic book of *fiqh*. But in laws development Malaysia more accommodate the rights of each of its citizens. In terms of the factor that caused the cancellation of marriage is more detailed in comparison to Malaysia in Indonesia. Researcher concluded that any amendment of existing laws in Malaysia (Johor) the enactment of the family law of Johor state Year 2003 which led to the marriage cancellation in Malaysia factor in more detail. It made in 2003 made this law in

accordance with the circumstances of the times compared to Indonesia Act made in 1974. Whereas in the absence of Indonesia's new regulations about marriage make this law is not comply with the present circumstances. In Indonesia there are actually rules governing about marriage but this only as docking between Presidential Instruction so that it does not have the force of law comparable to the legislation.

2. The Legal Consequences of the annulment of the marriage has almost the same result in divorce, which is the breakdown in the marriage. But if in the divorce a husband who wanted to remarry his wife could directly asked her to back, while households in the marriage cancelation case a husband if want to remarry with wife, he must update marriage *aqad*. It applies if there are terms in the marriage or marriage there are tenets that are not being met. Whereas if the annulment of marriage due to breaking the law then the marriage should end immediately. The presence of *iddah* for wife in the regulations in the State of Johor makes the wife fulfilled the right to justice. Inversely proportional to in Indonesia, where after the judge's decision on the marriage cancellation the wife have not *iddah* period, so she can just after the Court decision directly married to someone else. This will pose a new problem if the wife pregnant the baby of husband and wife who have been divorced. So the need for rules governing these matters which must be in accordance with the benefit of the husband or wife is good for them.

## B. Suggestion

1. For Act no. 1 year 1974 About Marriage in Indonesia should be revision, because that Act is too old and in some sections especially in marriage cancellation did not suitable with the Indonesian people. As time goes there are some factors arise that can cancel the marriage, from that researcher suggest to add some section about marriage cancellation in Indonesia.
2. Basically every Regulation made to protect rights the citizens. Both Indonesia and Malaysia (Johor) have regulation about marriage. But in case protect the citizens, Indonesia and Malaysia did not fully protect the citizen's rights. Like *iddah* problem in Indonesia and in Malaysia on civil relationship between couple which registered marriage cancellation with the third parties. Researcher suggest to each states to add the section about that rights.