



CHAPTER IV

CONCLUDING REMARKS

A. Conclusion

1. Engagement cancellation in Malaysia has the legal implication. Based on Family Law Legislation in Malaysia. Engagement is considered as a contract that bond man and woman. Engagement cancellation in Malaysia is not only set in Act 303 Islamic Family Law Federal Territory, but also set in enactment from all states in Malaysia that has the same arrangement. According to the previous section, it can be seen that an engagement is a kind of thing which has an implication, it is about

law that is able to bond both two parties until it has the same meaning with a contract. The implication of engagement itself could open the opportunities to both of bride and groom to understand and know each other. The implications of engagement cancellation that can be taken from section 15 Act 303 Islamic Family Law Federal Territory that are: The only one side who cancel the engagement have to return all the gift and give the requisites replacement change, For the one who has the unwilling engagement without any reasonable reason will be punished to replace all the gifts, and The one side who cancel the engagement should pay the things that has already spent to prepare the engagement and wedding party. It has explained clearly that an engagement is protected by the law Act. The parties who feel detrimented because of engagement cancellation can make prosecution in Syariah Court.

2. Regulation of Islamic Family Law in Malaysia especially Act 303 Islamic Family Law federal Territory contains of woman's rights protection. It has a sense protection towards women's rights and meet practical gender needs. In Islamic family law in Malaysia especially Act 303 Federal Territory Islamic Family Law 1984 women have rights in accordance with their position, namely in the form of rights before marriage, the rights within marriage and the last is the rights after divorce. Women's rights protection aspects contained in the Act 303 Islamic Family Law Federal Territory generally not only in case of engagement cancellation or breach of promise of marriage (bethrothal)

but in all the rights of women in marriage. It has the purpose to protect women's rights. This regulation give attention by prevent the occurrence of a violation of women's right in marriage life. The woman's protection Aspect contained in Act 303 Islamic Family Law Federal Territory 1984 Malaysia is accordance with the some views of gender figure such as Asghar Ali Engineer, Qasim Amin, and other views of woman's rights. They support the protection of woman's right in family law and consider man and woman are equal in their position in family.

B. Suggestion

1. Malaysia must more give the interest for the case of engagement cancellation that happened. From several cases woman still blur about their rights in engagement cancellation, so government must give the understanding about the implication of engagement which is regulated in Act 303 Islamic Family Law Federal Territory 1984 Malaysia.
2. Literally, the result of this research shows that Islamic Family Law Malaysia contain the woman's protection aspects in accordance with some views of woman's rights vigure such as Asghar Ali Engineer, Qasim Amin, and other gender view, but it is necessary to improve the application of this Act so can change the custom of society that still applied which is can detriment for woman's rights.