



CHAPTER VI

CONCLUSIONS AND SUGGESTION

A. Conclusion

Indonesia and Malaysia provide Islamic justice towards its society through regulation. Both of countries regulate several requirements to demand polygamy. In Asghar's perspective, Islamic family law year 1984 provides justice by demanding the husband to prove his ability to act justly. It also give chance for the wife to talk her opinion before the court. However, this regulation did not treat wife and husband equally. It indicates by the existence of one requirement that allowed husband to do polygamy if the wife has disability. Indonesian Marriage law number 1 year 1974 has similar way to provide justice. It demands the husband to prove his ability to act justly. Moreover, wife's agreement is one of requirement for husband to demand polygamy before the court. However, similar to Malaysia, this regulation

did not treat husband and wife equally. Therefore, according to Asghar, Marriage Law of Indonesia provides justice more than Islamic Family Law of Malaysia.

Indonesia and Malaysia give the women/wife chance to participate in the session process. Malaysia will summon the wife to ask her opinion. While Indonesia made the wife's agreement as requirement for husband to demand polygamy before the court. Therefore, in the view of asghar, Marriage Law of Indonesia has more respect towards women rather Islamic Family Law of Malaysia.

B. Suggestion

1. Both of regulations must revise the article that allow husband to do polygamy because of his wife's disability.
2. Malaysia has to strength the position of wife in the process of polygamy session. Because She has right to determine her marriage condition.
3. Literally, the result of this research shows that Marriage Law of Indonesia better than Islamic Family Law of Malaysia in the view of Asghar. However, it is necessary to prove the effect and the application of those regulations by another research.