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Islam permits polygamy to preserve a woman's dignity and cares for the social, moral and economic well-being of wives and orphans. Unfortunately, a number of polygamous marriages among Muslims in Malaysia registered at the local Shariah Courts are dramatically misleading from both Islamic theories as well as principles. Hence, it has become a very controversial issue among its critics and supporters which has resulted in serious criticisms on the credibility of the legal provision namely Islamic Family Law Act 1984 (IFLA) in curbing the abuse of polygamy.

As a short-term measure to overcome the problem, it has been suggested that IFLA should be reformed in order to address the current problems faced by Muslims. The IFLA has been amended twice, in 1994 and 2005, and yet the Act has not been gazetted, as some states in Malaysia have been objecting to the enforcement of the new enactment due to certain restrictive provisions, which according to them are not in compliance with following the real teachings in the revelation.

This paper seeks to examine the efficiency of the current provision, and the compatibility between the law of polygamy in the Islamic Family Law Act 1984 with the revelation of Allah (SWT) in the Qur'an and the teachings of the Prophet (PBUH) in the Sunnah. It is a critical analysis on the sources of the provisions, the relations, the efficiency and the suitability of the codification with the divine sources as well as the recommendations to improve the current provision towards a better practice of polygamy according to its original Shariah intents.

Keywords: Legal provision, polygamy, curbing the abuse



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