

SMS divorce 'not the right way'

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STAR 31 JUL 2003

PUTRAJAYA: The Government plans to put a stop to divorce by short messaging system (SMS) — recently recognised by a Gombak syariah court — after the entire Cabinet discussed the matter yesterday.

Datuk Seri Dr Mahathir Mohamad said the ministers, at their weekly meeting, felt that divorce by Muslim couples should not be done via SMS.

"The Cabinet decided that while it

may be correct from other angles, it is not the way to get divorced," he told reporters at a luncheon hosted by Transport Minister Datuk Chan Kong Choy at the Marriott Putrajaya.

Minister in the Prime Minister's Department Datuk Seri Abdul Hamid Zainal Abidin said under the proposal, if a husband declares a *talak* on his wife via impersonal means — SMS, e-mail, letter, facsimile or telephone — the declaration would be considered invalid and it cannot be used as the

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basis either one to have the divorce validated by the court.

The move, he said, was meant to protect Islam from ridicule, as the acceptance of a divorce declaration through SMS or other impersonal means could give the wrong message that divorce was a trivial matter in Islam.

Furthermore, divorcing one's wife in such manner was not only rude but also irresponsible, as it did not provide the proper closure to the marriage, he told reporters after chairing the post-Cabinet meeting at his office here yesterday.

The issue received wide media coverage after the Gombak Timur syariah court ruled on Thursday that a divorce declared via SMS is valid provided it is verified by the court.

Judge Mohamad Fauzi Ismail ruled that the 18-month marriage between Azida Fazlina Abdul Latif and Shamsudin Latif was annulled when Shamsudin sent Azida Fazlina an SMS stating:

"Kalau engkau tak keluar dari rumah mak bapak engkau, jatuh talak tiga (If you do not leave your parents' house, you will

be divorced)."

Abdul Hamid also pointed out that sending an SMS to pronounce the divorce was an offence under the Federal Territory Islamic Family Enactment, which only allowed pronouncements of divorce in court.

He said the Federal Territory Syariah Department planned to prosecute Shamsuddin for pronouncing the divorce on Azida outside of the court.

He said the enactment would be amended to provide for stiffer penalties for men who declare *talak* through impersonal means.

He said the penalties for the offence at the moment — six months' jail or a fine of up to RM1,000 or both — were not prohibitive enough to discourage men from making such pronouncements outside the court.

In Kuala Lumpur, Women and Family Development Minister Datuk Seri Shahrizat Abdul Jalil said the entire Cabinet was appalled with the idea of an SMS divorce.

"From the discussions, it was evident that the Cabinet viewed the matter seriously as it was not in accordance with

the tenets and principles of the Islamic family law," she told reporters after her ministry's post-Cabinet meeting.

Shahrizat said the Cabinet agreed that legitimising the pronouncement of divorce via SMS was "a blatant abuse" of technology and undermined the values and sanctity of syariah legislation.

She said the Cabinet also discussed the need to standardise syariah laws throughout the nation to prevent such "mis-haps" from reoccurring and had directed the Department of Islamic Development (Jakim) to bring the matter to the Rulers Conference soon.

In Kota Baru, Kelantan Menteri Besar Datuk Nik Aziz Nik Mat agreed and said that SMS divorce degraded women and the sanctity of marriage.

He described SMS divorces as "mocking Islam and immoral" and welcomed the Cabinet's decision.

"I do not agree with this (SMS) method because in Islam there is *feqah* (Islamic jurisprudence) and *akhlak* (conduct).

"It is not a mere question of the legality of the SMS but a moral question."