

31 JUL 2003

Taib-SMS

DIVORCE BY SMS IS ILLEGAL, SAYS TAIB

KUCHING, July 31 (Bernama) -- Using the short messaging service (SMS) to declare a divorce should not be considered legal because it does not fulfil the Islamic requirement that witnesses must be available, Chief Minister Tan Sri Abdul Taib Mahmud said today.

Like marriage, Muslim couples intending to divorce should make their intention known to society, he said.

"Both parties must have the clearness of mind that it should not be done in jest," he told reporters after laying the foundation stone for the RM350 million Sarawak International Medical Centre (SIMC) in Kota Samarahan, near here.

There should be enough witnesses to ensure that it was in accordance with the law, he said when commenting on the issue which is being hotly debated following the decision by the East Gombak Syariah Lower Court on July 24 that a divorce declared via SMS was valid provided it was verified by the court.

Prime Minister Datuk Seri Dr Mahathir Mohamad said yesterday that the state-of-the-art communication technology should not be abused like using SMS on the handphone to divorce.

The Cabinet had also decided that divorce by Muslim couples should not be done via the SMS, he said

Minister in the Prime Minister's Department Datuk Seri Abdul Hamid Zainal Abidin had also said divorce was invalid under the Islamic Family Law 1984 unless approved by the Syariah Court.

Under existing laws, such person can be sentenced up to six years' jail or fined RM1,000, he said.

He said the government would review the Family Law to provide stiffer penalties to those who divorced their wives outside the Syariah Court as divorce was not a small matter.

-- BERNAMA

CJ TS