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Landmark ruling triggers controversy over the sanctity of marriage

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IT is now possible, with the recent decision of the Gombak Syariah Court, to end a Muslim marriage with just the push of a button.

It appears convenient, fuss-free and with the times.

In mere seconds, a blissful illusion of marriage - or whatever that's left of it - and all efforts put in to nurture and build a marriage through its accompanying trials and tribulations over the years can be totally and effortlessly erased.

All thanks to high technology - the same technology that the country has pursued feverishly and with unabated vigour.

Although the Government on Wednesday decided that declarations of divorce via the short messaging service or SMS and other electronic medium like facsimile and e-mail are not valid, the court still has the last say.

A precedent has, after all, been set, and it will remain in place until and unless legislation is formulated to bar couples from bringing such cases to court, or if the judgment is overturned by a higher court.

The use of the SMS by Muslim men to declare the talak (divorce their wives) was deemed valid by the Gombak Syariah Court last Thursday.

It must, however, be verified by the court.

Under Muslim law, the right to declare the talak lies solely with the husband.

Such declarations are usually made orally or in writing.

Allowing the talak to be pronounced via SMS is, as such, a landmark decision by the court.

While the court decision is not being disputed, there is concern that it will invariably open the floodgates to similar cases in future.

Women, and even men, are worried that the "green light" given to husbands to declare the talak via SMS will lead to a situation that can serve as a threat to the very foundation and sanctity of marriage.

The wives are naturally worried that husbands will use the court decision to their advantage, and cases of divorces via SMS will become widespread in future.

As even Prime Minister Datuk Seri Dr Mahathir Mohamad has said, serious matters like marital problems and divorce should be handled in a more personal way.

Deputy Prime Minister Datuk Seri Abdullah Ahmad Badawi was succinct: "Orang tak nampak, muka tak nampak, tiba-tiba datang SMS kena cerai (the person is not seen, face not seen, suddenly a SMS message comes through announcing the divorce)."

Women's organisations urged husbands, even if they are contemplating divorce, to accord their wives one simple thing - respect.

Respect is, after all, the cornerstone of any marriage, and it should be paramount when making any decision affecting it.

Wives ought to be given due respect, even when divorced, and sending text messages via the mobile phone is an act of absolute disrespect and must not be allowed to become the norm.

National Unity and Social Development Minister Datuk Dr Siti Zaharah Sulaiman stressed that the sanctity of the marriage institution must not be disregarded.

To halt a potential snowball effect of men treating the matter blatantly, she said her ministry would hold talks with religious bodies to address the issue thoroughly.

For Women and Family Development Minister Datuk Seri Shahrizat Abdul Jalil, the act is not only an insult to women but can serve to tarnish the image of Syariah laws besides giving a bad impression of Muslim men in Malaysia.

The recent incident, she said, was a case of a "bad apple" giving Islam a bad name as in actual fact, Muslim men in the country uphold the Islamic spirit, are generally caring and have the greatest respect for their spouses and mothers.

Wanita Umno treasurer Datuk Azizah Abdul Samad feels it is important for couples to respect each other, whether or not they are divorced, if not for their benefit, then for the sake of their children.

"If children are taught that this sacred institution can be so easily demolished, the future of a sustainable social well-being where family unity is paramount looks bleak," she said.

Penang Wanita chief Datuk Saripah Aminah Syed Mohamed has this to say: "What do they take us for, perempuan jalanan (cheap women)? It is downright degrading to us."

She said that if men could brave all challenges before securing themselves a wife, they should be "man enough" to divorce their spouses face-to-face.

Fearing irresponsible men will take advantage of this "easy way out", she said the conventional way of divorce, through the proper channels, must be maintained or the country will be saddled with a soaring divorce rate.

Even though many parties have now come forward to express their concern over the court decision, the reality remains that a judgment has been made and it will, whether they like it or not, serve as a precedent.

But all is not lost. What can still be done is to make husbands aware that it is best they not "take advantage" of the situation.

Polygamy, for instance, is allowed by Islam but husbands intent on taking on more than one wife are reminded, constantly, that it comes with certain great responsibilities.

And when taking another wife, men are advised to treat the existing one with the utmost respect, and inform her in a "proper" manner.

Is it too much to ask of men to apply the same principle when divorcing their wives?