

**Status Of Marriage Of MH370 Muslim Victims Not Dissolved - Syariah Lawyer  
Bernama  
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PUTRAJAYA, Jan 30 (Bernama) -- The status of marriage of Malaysia Airlines (MAS) flight MH370 victims married under Muslim law has not been dissolved though the government had officially declared everyone on board had perished.

Syariah Lawyers Association of Malaysia President, Musa Awang said to determine whether the status of a marriage was dissolved, Presumption of Death or order for dissolution of a marriage must be made by the court.

"In my opinion even with the declaration made by the government about the status of MH370, this has not dissolved the marriage status of victims and any claims against an estate cannot be made.

"Only the court may issue the Presumption of Death order," he told Bernama here Friday.

Musa said should the spouse of a victim intend to dissolve the status of marriage, the individual may apply for fasakh on the grounds that the spouse had disappeared for more than a year or may apply to the court for the Presumption of Death declaration.

Musa explained, in accordance with Section 18 of the Registration of Births and Deaths 1957 (Act 299) it clearly stated that every death in the country must be registered with the condition that the body was found.

In the case of a body not found or individual had been classified as thought to be dead, then the Presumption of Death order must be obtained from the High Court under Section 108 of the Evidence Act 1950, he said.

He said in the case of Presumption of Death, the National Registration Department (JPN) would not register or issue a death certificate, but would only update the information in the system.

"For matters pertaining to individuals who have been presumed dead, the next-of-kin must use the order which had been issued by the court," he said.

On Thursday, Department of Civil Aviation director-general Datuk Azharuddin Abdul Rahman officially declared the missing Malaysia Airlines (MAS) Flight MH370 as an accident under international aviation rules, and that all 239 passengers and crew aboard were presumed to have lost their lives.

Azharuddin said the declaration was made in accordance with the Standards of Annexes 12 and 13 to the Convention on International Civil Aviation commonly referred to as the Chicago Convention.

The Boeing 777 aircraft which was carrying 12 crew members and 227 passengers, disappeared from radar screens while en route from Kuala Lumpur to Beijing, about an hour after departing from the KL International Airport at 12.41am on March 8, 2014.

Meanwhile, director-general of the Department of Islamic Development Malaysia (Jakim) Datuk Othman Mustapa in a statement said cases related to distribution of the estate, dissolution of marriage status of victims, or other laws should be referred to the relevant authorities based on the provisions of law after confirmation or death had been decided by the court.

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