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BBC News Online: World: Asia-Pacific

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Mobile divorce unacceptable, says Malaysia

Muslim men are not permitted to divorce their wives through text messages on mobile telephones, a senior Malaysian religious official has said.

We have adequate laws to curb rash moves by Muslim men to divorce their wives
Hamid Othman, a religious adviser

It follows a ruling by a senior cleric that appeared to give men permission to divorce in that way.

Under Islamic law, Muslim men who want a separation must first declare "I divorce you" three times.

Women's groups in Malaysia criticised the cleric's ruling on text messages, saying it made it seem that Islam encouraged divorce.

However, Hamid Othman, a religious adviser to the Prime Minister Mahathir Mohamad, said the government would not accept such a practise, saying such text messages would be "an irresponsible act, dangerous and should not be tolerated".

"We have adequate laws to curb rash moves by Muslim men to divorce their wives without justification," he told the Star newspaper.

And Abdul Hamid Zainal Abidin, minister in the prime minister's department said: "A person who utters divorce declarations outside a court house and not before a court judge will be fined for the offence."

'Unethical act'

SMS, or short messaging service, is becoming increasingly popular in Asia as an alternative to expensive telephone calls.

Divorce needs witnesses and has to be delivered clearly
Jafar Abdul Muhid, Indonesian court

Religious leaders elsewhere in the region said divorce was complicated and should be dealt with in court. More than two thirds of the Malaysian population are Muslims and governed by sharia law in religious and family matters.

"No right-thinking Muslim man should even consider such an unethical act," the registrar of neighbouring Singapore's Islamic, or sharia, court, said on Thursday.

"Although divorces via SMS may be allowed, the sharia court strongly discourages the practice of

pronouncing the talaq (divorce vow) out of court, regardless of the manner of communicating it," Shaiffudin Saruwan wrote in a letter to the Straits Times newspaper.

In Indonesia, the world's largest Muslim nation, a religious official said divorce text messages would not stand.

"Divorce needs witnesses and has to be delivered clearly, not only by voice or written messages which can be easily manipulated," said Jafar Abdul Muhid, head of the North Jakarta Religious Court.

Islamic feminist groups were outraged at the ruling last week by senior cleric Hashim Yahya.

Although Hashim Yahya did point out that the divorce would have to be confirmed by a sharia court with both spouses present, he said it was acceptable for a man to declare the divorce by text message or e-mail.

But women's groups said a man wanting divorce would have to make his feelings more clear.

"Sometimes the husband just says 'I divorce you' then keeps quiet," said Ruzana Udin, of Sisters in Islam. "The burden falls on the wife to carry the message to the court and initiate proceedings."

Mobile phone divorce using SMS was first attempted in Dubai.

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