

Marriages involving underaged Muslim couples

# Judge: They must go through JHEAINS

By MARY CHIN

KOTA KINABALU: Any Muslim marriage application involving an underaged couple must go through the Sabah Muslim Religious Affairs Department (JHEAINS), a forum on Marriage and Law here was told Saturday.

State Syariah High Court Judge Ahmad bin Lakim said the department will then carry out the necessary investigation before preparing a report on the case in question.

"Prior to considering the application, the department will interview the couple to determine whether they are eligible in terms of their ability to support the marriage, and understanding of the institution of marriage," he said.

Offering advice to all other Muslim couples intending to tie the nuptial knot, Ahmad stressed that they must go through the same department as a matter of policy.

He reminded them to ensure that only a qualified Imam (or Muslim priest) is engaged to solemnise their marriage.

"Only then will they be able to secure the marriage certificate that is issued by JHEAINS," he said.

The forum was part of the Basic Course on Laws Pertaining to Marriage, organised for the first time by the Universiti Malaysia Sabah (UMS) Mosque Education and Culture Committee headed by Prof Madya Hj Inon Shaharuddin Abdul Rahman who

is also Dean of the School of Arts Studies, with the co-operation of the State Syariah Judicial Department (JKSNS).

It was chaired by the course organising chairman, Mohd Nizam Attan, who is Deputy Dean (Development and Research) of the School of Arts Studies.

Ahmad expressed the hope that the rate of divorce among Muslim couples will be reduced in the near future following would-be couples' exposure and improved knowledge of the fundamental laws of marriage relating to application for marriage and divorce and a better understanding of marital and family responsibilities.

Responding to a question from the floor, he said there are standard procedures for marriage and divorce, which means they are basically the same although each State may have its own State Muslim Family Law Enactment.

"However, certain legal provisions in the respective State enactment may differ," he added.

Asked whether there are proposed amendments to the Sabah State Muslim Family Law Enactment, Ahmad said there are plans to this effect but it is too premature to reveal.

On the division of joint property (acquired during marriage) in the event of divorce, the judge said there is no specific formula.

"It varies from case to case, depend-

ing on the wife's contribution. Sometimes she may get more or it could be less."

Earlier, in his paper on "Procedure for Filing Civil Court Cases with the Syariah Court", Ahmad said civil cases include all kinds of divorce claims (examples, maintenance, custody, etc) and property claims.

"There are two ways to go about it in the filing process - you can execute it through a suit and entering a plea or get it done through an application.

In the second case, it has to be accompanied by a document of notice of application and a supporting affidavit. For divorce claims, these have to be presented through a suit," he explained.

About 110 UMS students, 80 per cent of them females, attended the one-day, one-night course at Dewan Teater Ahmad Nisfu, School of Arts Studies, UMS.

Ahmad officiated at the opening of the course on behalf of the State Syarie Chief Judge Datuk Hj Aidi Hj Mokhtar.

Other papers were presented by Principal Assistant Director Hj Mohd Nor Kasah, Sabah Muslim Religious Affairs Department (JHEAINS), who dwelled on The Procedure for Application for Marriage, Divorce & Reconciliation in accordance with the 1992 Sabah Muslim Family Law Enactment, Ustaz Hj Awaluddin

Nasution (Islam, Faith & Sincerity), Ustazah Hjh Mariah Hasibuan (Worship, Purification & Prayer), Ustaz Jalidar Abd Rahim (Choosing the Ideal Partner & Responsibilities of Husband & Wife) and Abu Sufian Abu Yaziz (Engagement, Marriage & Pillars of Matrimony).

Meanwhile, President of the Sabah Muslim Women Lawyers Association (SALWA) Fatmawatie Hj Abu Bakar spoke on the enforcement of the maintenance order for wife/ex-wife and child, and offence/penalty under the 1992 Sabah Muslim Family Law Enactment.