

Marital Breakdown in Muslim Community in Malaysia

¹I. Zainab, ²W.A. Wan-Ibrahim and ³H.A.R. Asyraf

¹Faculty of Islamic Studies, Universiti Kebangsaan Malaysia,
43600 UKM Bangi, Selangor, Malaysia

²School of Social Development, Universiti Utara Malaysia,
06010 Sintok, Kedah, Malaysia

³Centre for Foundation and Liberal Education,
Universiti Malaysia Terengganu, 23010 Kuala Terengganu, Malaysia

Abstract: Malaysia has recently witnessed remarkable changes in family life of her population. In the context of divorce, most couples end up their marriage in divorce. The paper aimed at describing the incidence of divorce in Muslim Community in Malaysia. To meet this aim, the article utilizes a content analysis approach using secondary materials which include reports from Population and Housing Census of Malaysia and record files of the Jabatan Kemajuan Islam Malaysia (the Department of Islamic Development Malaysia). The study shows that the divorce rates among Malaysian Muslims aged between 18 and 50 in the country is increased significantly. The data also reveal the highest divorce rates are found in the Federal Territory Kuala Lumpur, followed by Terengganu, Perlis and Kedah.

Key words: Marital breakdown • Family • Family instability • Divorce • Marriage family

INTRODUCTION

This article describes marriage dissolution among Malay population in Malaysia. Marriage, a contract which is based on *ijab* (offer) and *qabul* (acceptance) in the presence of two witnesses, is an act commended by the Qur'an and the Sunnah of the Prophet (s.a.w). Although Islam encourages marriage, Islam also allows marriage to be dissolved. However, in the eyes of Allah, divorce is considered the most hated of permitted things.

Malaysia has recently witnessed remarkable changes in family life of her population. Regardless of how family diversity is viewed the increase in and prevalence of family problem requires special attention of its causes and effect to the community as a whole. Problems such as family instability, more unmarried women, increasing percentage of women who have births outside of marriage, child abuse and drug addiction, teenagers running away from home and increasing in divorce and related problems, are no longer considered as individual problems, but have become critical social problems in Malaysia. Scholars from various disciplines agree that

such problems are due to the rapidly social and economic development of the country. Malaysia, like other countries has focused on economics development as part of the country development plan. In the Ninth Malaysia Plan for instance, it aims to create prosperity which become one of the most important Malaysia Plans in the country's history as the country is at the halfway point in its journey towards the year 2020. The plan encompasses an amalgamation of government efforts and initiatives to create a nation with a balanced social development, with a citizenry which is united, cultured, of good character, one that is knowledgeable and forward-thinking. These initiatives will bring goodness when they are undertaken within the framework of Islamic notions, where spiritual dimension is given priority. Otherwise, it could negatively affect human development and growth. Thus, the concept of human development enunciated within the Islamic concept and framework should therefore be considered since it encompasses both worldly and divinely affairs.

A balance between economics and spiritual elements is also paramount in particular, within the Muslim community in Malaysia. Muslim scholars have long

recognized that any country's socio-economic development which ignored spiritual development aspects would lead and produce a negative impact on both individuals and family. As a result of rapid socio-economic changes as well, besides created what is called the conspiracy of nuclear family [1], family has lost its function and gradually become unstable and thus, more and more family life ended with divorce. Nowadays problem of divorce and domestic conflict has become national problems. Yaacob [2] points out that urbanization leads to changes of family function. Many of the functions of urban family such as economy, education, religion, caring and recreation were taken over by other institutions such as factories and industries that also perform similar functions in certain extents. The transfer of these functions to other institutions has weakened family institution and as a result, there was a change in family roles and power. The family could no longer have the ability to resolve any arising problems within among their members as well as the surrounding community.

Shaffer [3] through his observations from many studies conducted on various aspects of family by various researchers in developed countries, concludes that the rapid social change has produced eight features of the present family, which are; 1) more adults living as singles today, 2) many young are postponing their marriage to pursue educational or career goals, 3) today's adult are not only waiting longer after they marry to have children, they are having fewer children as well, 4) more and more women working outside the home, 5) divorce rate has been increasing over the past several decades, 6) number of single-parent families increase, 7) more children living in poverty and 8) remarriage is increasing. These changes are in fact telling us that modern families are much more diverse than ever. Although this conclusion is the result of observations on family in developed countries, such results can also be observed on other countries, including Malaysia.

Marriage is strongly upheld by Islam. Islam does not approve of celibacy, or living unmarried as Allah says in al-Qur'an, verse 1 of Chapter al-Nisa' (4): "O mankind! Fear your Guardian-Lord, who created you from a single person, created, out of it, his mate and from them twain scattered (like seeds) countless men and women; fear Allah, through Whom ye demand your mutual (rights) and be heedful of the wombs (that bore you): for Allah ever watches over you" [4]. The importance of marriage is beautifully explained in the Hadith. It is narrated by Anas bin Malik (Allah be pleased with him) that a group of three

men came to the houses of the wives of the Prophet Muhammad (peace be upon him) asking how the Prophet worshipped (Allah) and when they were informed about that, they considered their worship insufficient and said, "Where are we from the Prophet as his past and future sins have been forgiven". Then one of them said, "I will offer the prayer throughout the night forever". The other said, "I will fast throughout the year and will not break my fast". The third said, "I will keep away from the women and will not marry forever". The Prophet Muhammad (peace be upon him) came to them and said, "Are you the same people who said so-and-so? By Allah, I am more submissive to Allah and more afraid of Him than you; yet I fast and break my fast, I do sleep and I also marry women. So who does not follow my tradition in religion, is not from me (not one of my followers)" [5]. This verse and the Hadith show that Islam considers marriage as the most virtuous and hates divorce even though divorce is allowed in Islam. It is because the most hated halal by Allah is divorce. According to Abu Dawud, Muharib narrated the Prophet Muhammad (peace be upon him) emphasized: "Allah did not make anything lawful more abominable to Him than divorce" [6] and in other Hadith, Abdullah ibn Umar narrated that the Prophet Muhammad (peace be upon him) said: "Of all the lawful acts the most detestable to Allah is divorce" [6].

MATERIALS AND METHODS

Malaysia has recently witnessed remarkable changes in family life of her population and many couples end up their marriage in divorce. Divorce is perhaps, in recent years, can be categorized as social problem in Malaysia. In daily newspaper, it is not difficult to find news on divorce in almost every day. To explore this issue, this article utilizes content analysis design. This is because, among other reasons, we are attempting to review the trend over the years. Secondary data used in this paper is taken from the report of Population and Housing Census of Malaysia 1991 and 2000 [7, 8], as well as reports of record files from the Jabatan Kemajuan Islam Malaysia (JAKIM) which is also known as the Department of Islamic Development Malaysia [9]. Department of Islamic Development Malaysia has started to take the responsibility to collect data on marriage and divorce among Muslim couples since decades ago and now in every state in Malaysia has its own database on this issue. Content analysis is defined as any technique for making inferences by objectively identifying specific characteristics of messages [10]. Content analysis is a

powerful tool to help researcher examining certain information contained in any written documents. Content analysis is a technique of gathering and analyzing the content of text [11].

According to Neuman [11], the content can be words, meanings, pictures, symbols, themes, or any communicated messages, while the text is anything written, visual, or spoken including books, newspaper, magazines articles, speech, official documents, or websites. What was firstly done is the identification of relevant archival sources, or a body of material to analyze. All these relevant archival sources were selected purposively. Through an extensive reading on these materials, specific themes are identified.

RESULTS AND DISCUSSION

Divorced According to Recent Censuses: Data for this study is based on two censuses in Malaysia, namely the Census of Malaysia, 1991 and 2000 [7, 8]. One can observe some changes in family context of Malaysia, particularly in the context of the proportion of divorced/separated. However, the census data provides data of divorced/separated in general and not only restricted to Malay population. In 1991 for instance, there were 1.0% of Malaysians who divorced/separated. This figure fell slightly to 0.8% (2000). In the context of rural-urban dichotomy, the percentage of divorce/separation in 1990 was 0.4% (urban), increased slightly to 0.7% (2000), while in rural areas, this percentage decreased from 1.2% (1991) to 1.0% (2000). In terms of geographical distribution, there is a significant difference between the states; the percentage is higher in states like Kelantan, Perlis, Terengganu, Sabah, Sarawak and Kedah.

These differences may be explained by the fact that people living in poor areas in those states and has low level of urbanization will have higher percentage of divorce/separated. Department of Statistics [7] shows the states with the highest percentage of divorced/separated during the time are Kelantan (2.4%), followed by Perlis and Terengganu which constitute 1.8% respectively. The state of Kedah also has a relatively high percentage (1.3%). Other states, the percentages are less than one percent.

However, this percentage declined in 2000 as reported by Population and Housing Census of Malaysia. Although the state of Kelantan is still the highest in Malaysia, but the percentage has dropped to 1.7% only in 2000. The state of Terengganu, although the percentage

has also declined, but is still at the second place after Kelantan. Perak, which during the Population and Housing Census, 1991 has a lower percentage of divorce, but during the 2000 Census [8], the state ranked at the second place. The percentage of divorce in Perlis has dropped to 0.7%, while Kedah still has a high percentage (1.0%).

If viewed in terms of gender, there was a significant difference between female and male population. The women are far more than men in this aspect. This difference is mainly due to several factors among which include higher death rate among the male. The men also have a greater tendency to be remarried if their spouse were dead or if they are divorced.

The question arises as to why marriages nowadays are tending to end up in divorce? There are several reasons that can be used to explain this phenomenon. Among the factors that increase the likelihood of divorce are work and time pressure attitudes, self-fulfillment attitudes, geographic and social mobility and alternative sources of financial and emotional well-being for women [12].

Age at first marriage also contributes to possibility of divorce. According to Hess, Markson and Stein [12], younger age at first marriage correlated with higher probability for divorce. Moreover, divorce is also more common if both couples have successful careers, or the women are financially independent from her husband. They are less inclined to remain in an unhappy marriage [13]. It has also been a common reason a woman files for divorce because of her husband's unreasonable behavior, for example, domestic violence. In 65% of contested petitions in Penang High Court, separation and/or unreasonable behavior was cited as proof of breakdown of marriage [14].

Record of Divorce from JAKIM: While data on divorce as discussed above reflecting the population of Malaysia as a whole, Muslim or non-Muslim, data on divorce in this section are only presenting the Muslims. All Muslims in Malaysia have to register their marriage and divorce in the State Islamic Department. Information about marriage and divorce usually collected by every state in Malaysia and will then be sent to JAKIM for record and data base purposes. Thus information on marriage and divorce for Muslim community in Malaysia is quite up to date and reliable. The discussion about marriage and divorce in Malaysia in this section are using information from the existing data base in JAKIM.

According to Islamic Information Division, the Department of Islamic Development Malaysia (JAKIM) in its record files [9], there were 850,654 married Muslim couples throughout Malaysia in the period between the years 1980-1990. Of the total, 167,012 couples were divorced and it involves a 19.6%. If such divorce is analyzed by state, the highest percentage is found in the Federal Territory, Kuala Lumpur (32.4%). This means that the Federal Territory of Kuala Lumpur is the state that has the highest percentage of divorce in the period. Other states which also included as high percentage are Terengganu (27.4%), Perlis (22.9%) and Kedah (21.3%). The percentages of divorce in other states are below than 20.0%.

In the Federal Territory, Kuala Lumpur, since its inception in 1974 up to 1999, there were 69,508 Muslim couples registered their marriage. During this period 14,835 couples were divorced, which involves a total of 21.3%. Based on its record file, JAKIM [9], there are various reasons recorded as induced the incidence of divorce.

Among the reasons are polygamy, jealousy, sexual problems, husband and wife are not responsible, forced marriages, lack of religious education, dishonesty, violence, fussy, crazy, intervention of mother in law, politics (different faiths), joking, inadequate income, love match, wife of errant, no understanding, dumb wife, the wife was barren, health problems (wife could not be pregnant), involved with drugs (husband) and physically handicapped.

Other reasons are less patient, pregnant before marriage, gambling, drinking, adultery, husband in jail, husband does not give maintenance, husband has another woman, wife has been left, violence or abuse against wife and the wife has another man, neglect of maintenance, care and love. Such reasons, as reveal from this study, as well as from other study conducted on this matter, may be due to the individual, spouse, a third person.

CONCLUSION

Problems such as family instability, more unmarried women, increasing percentage of women who have births outside of marriage, child abuse and drug addiction, teenagers run away from home and increasing in divorce and related problems, are no longer considered as individual problems, but have become critical social problems in Malaysia. This article discusses the divorce phenomenon in Malaysia using

two sources; report of Population and Housing Census, as well as from record files of Islamic Information Division, the Department of Islamic Development Malaysia (JAKIM). As a summary, in recent years, marriage in Malaysia is likely to be ending up in divorce. Such problem in Malaysia today, although not that critical, should be given serious attention. Data collected from both sources highlighted the number of marriage ending up in divorce in Malaysia. There is a tendency that the percentage of divorce is increasing. The highest percentage of divorce is found in the Federal Territory, Kuala Lumpur followed by Terengganu, Perlis and Kedah.

REFERENCES

1. Ullah, Hazir, 2012. Cultural Imperialism through Education in Pakistan and the Loss of National Identity. *Middle East Journal of Scientific Research*, 12(2): 215-222.
2. Yaacob Harun, 1992. *Keluarga Melayu Bandar*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
3. Shaffer, David R., 2000. *Social & Personality Development*. Belmont, C.A: Wadsworth/Thomson Learning.
4. Abdullah Yusuf Ali, 2009. *The Holy Qur'an – Arabic Text with English Translation of the Meaning and Selected Commentaries*. Kuala Lumpur: Saba Islamic Media.
5. Al-Bukhari, 2012. To Make the Heart Tender (Ar-Riqaq). In *Hadith Collection Sahih Bukhari*. Volume 008, Book 076, Hadith Number 471. Retrieved from <http://www.hadithcollection.com/sahihbukhari/109-SahihBukhariBook76>.
6. Abu Dawud Sulaiman bin al-Asy'ath al-Sajastani al-Azdi, n.d. *Kitab al-Talaq, Bab fi Karahiyat al-Talaq*. In *Sunan Abi Dawud*. Volume 2: Dar al-Fikr.
7. The Report of Population and Housing Census of Malaysia 1991, 1995. Volume 1. Kuala Lumpur: Department of Statistics Malaysia.
8. The Report of Population and Housing Census of Malaysia 2000, 2005. Volume 1. Kuala Lumpur: Department of Statistics Malaysia.
9. *Marriage and Divorce Record Files of Malaysia States (1980-1993)*, 1998. Kuala Lumpur: Information Management Division, Jabatan Kemajuan Islam Malaysia.
10. Shaughnessy, J.J. and E.B. Zechmeister, 1990. *Research Methods in Psychology*. New York: McGraw-Hill.

11. Neuman, W. Lawrence, 2011. Social Research Methods. Boston: Pearson.
12. Hess, Beth B., Elizabeth W. Markson and Peter J. Stein, 1988. Sociology. New York: MacMillan Publishing.
13. Macionis, John J., 1999. Sociology. New Jersey: Prentice hall.
14. Devaraj, Prema and Honey Tan, 2002. Research on Divorce in Penang High Court Background & Recommendations. Women's Center for Change, Penang, Retrieved from http://www.wcc.penangorg/files/docs/wcc_research_on_divorce_pdf.