

Commentary on Malay Muslim Marriages and Divorces *

by
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In his keynote speech delivered at the opening ceremony of the East Asia Ministerial Forum on Families, 2006, MCYS Minister, Dr Vivian Balakrishnan highlighted four key trends on the family and family life in Singapore. Pursuing first the issue of escalating divorce rate in Singapore, he acknowledged that there has been a doubling of figures for the past 20 years and affirmed that this issue is the utmost concern of the ministry. Dr Vivian noted that divorce means the increase in Single Parent families and this has an impact on the well-being of their children. He went on to note the rising singlehood and low fertility rate (which have direct impact on the population's ability to replace itself), the increase in transnational families and the issue of minor marriages.

Within the Malay Muslim community, the issue of divorce and minor marriages definitely strikes a chord. 27% of all divorces in 2005 were from the Malay Muslim community. In 2005, 58% of grooms and 43% of brides under the age of 21 were solemnised under the Muslim Law Act. When compared against the size of Malay Muslim population here, the figures are definitely a gross over-representation.

While there seems to be an upward trend in inter-ethnic marriages amongst Muslims, 64% of all marriages solemnised at ROMM were between Malay Muslim brides and grooms. Of the 1873 marriages dissolved at the Syariah Court, 79% were Malay Muslim couples. 60% of Muslim divorces were from marriages under 10 years. The 2005 figures for divorces under the Muslim Law Act are close to double from that of 1995.

In the (2004) report on State of the Family in Singapore by MCYS, Malay families were found to be holding strongly to the nuclear family orientation. Therefore, it is not surprising to see that a third of marriages, (about 1415 couples), solemnised in ROMM for the year 2005 involves the groom, the bride or both entering a remarriage. About 29% of divorces involved such couples.

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At national level, the doubling of divorce figures from 20 years ago rings the alarm bells at MCYS. To consider the fact that the doubling effect is twice as fast amongst Muslim families, it should surely trigger a sense of crisis in the Malay Muslim community and its leaders. This is a community whom by large upholds strongly the governance of the family by Muslim laws and traditions. In matters of administrative family & personal laws, Muslims in Singapore are governed by the Administration of Muslim Law Act (AMLA).

Of pressing concern however is the lack of attention by the Malay Muslim community in addressing the by-products of divorces, that is, the dependent children of divorced couples. On the surface, there are efforts seen to mitigate the escalating divorce figures through counselling and marital recovery programmes. However, the presence of support for single parents and their children hovers mostly around legal advice and financial assistance. For the period of 2003-2005, a conservative estimate of 7535 dependent Muslim children saw their parents divorcing. The concerns for the plethora of anti-social activities by Muslim youths tend to correlate with dysfunctional background and single-parent families. However the lack of attention on this segment of children and young persons, at the age where they are most in need of guidance, love and support and where they are most impressionable, may indirectly perpetuate the trauma in these young minds.

It is important to note however that in addressing the incidences of divorce and the effects on children, it is not sufficient to approach it with a “band-aid”. Sociologists and scholars studying Malay Muslim families in Singapore (Noor Aisha Abdul Rahman, Tania Li, Syed Farid Alatas, Suriani Suratman, Stella Quah and Maliki Osman amongst many others) have discussed the above alarming concerns in their studies and have raised the need to mitigate these concerns from multiple dimensions. Bread-and-butter issues top the list in intervention recommendations. This is consistent with data on the occupational background of divorcing couples where out of 1873 couples, fewer than 6% of female divorcees and fewer than 7% of male divorcees occupied the Professional, Technical, Administrative or Managerial positions. Of greater concern, 37% of female divorcees and 23% of male divorcees were not working while the remaining spreads across low wage occupations.¹ While it is easy to quickly correlate the low economic capacity as a contributing effect towards divorce, it is even more necessary to ask why and how did this

¹ Reference to GHS 2005, Singapore Department of Statistics, Correlation between the type of occupation and amount of wage earned.

stratum of society came into being. What are the factors contributing to the income divide and how has these factors displaced their roots in society?

Cultural and religious inklings were amongst other concerns raised by some of the scholars. These concerns can be seen to be highly relevant especially since governance of Muslim families in Singapore falls within AMLA (Administration of Muslim Laws Act) and the institutional bodies interpreting the Act. If the purpose of the Act is to provide guidance on law and order, the evaluation on AMLA's standing and integrity would therefore be against the actual state of the community it governs.

Under the civil legal system for instance, in a no-fault divorce at the Family Court, couples will have to sit a mandatory three year separation period before divorce is granted. In contrast, arbitrary pronouncement of the divorce intent (*'talak'*) will most likely result in the expedited dissolution of marriages. It may be argued that the pronouncement of *'talak'* by the husband is a given right. If that is the case, marriages solemnised by the guardian of the bride in private sessions should also be permitted. Yet, marriages solemnised outside the observation of ROMM risks violating the law despite being 'Shariah' compliant. Why the difference?

From available data, it is evident that most divorcing couples are low wage earners. It is also highly probable that these are couples who were married with little preparations to face the present economy. Thus, it can be anticipated that these couples will face problems in maintaining the family. Knowing their background, what are being done to mitigate the risks? Consequently, it is strange that divorce can be accorded on grounds of inadequate maintenance (15%) and neglect (12%), most likely through the invocation of the *fasakh*, when the risk is obvious right from the start. With the advancement of behavioural sciences today and the almost mandatory Marriage Preparatory Course made available where qualified trainers shed light on family dynamics and individual differences, it is also necessary to ask why almost 30% of divorces cited personality difference as a basis. Is this a true picture of the marital dynamics or used as a convenient front to masquerade the more significant issues? Should this option be placed in Syariah Court's registration forms in the first place?

The crisis of integrity in many Muslim families and the ills associated with it is real and there are several indicators highlighting the contributing factors. Perhaps, it is necessary to swallow bitter medicine and take steps to reappraise the way the Muslim community, Malay Muslims in

particular, organises itself. The task to lead the reappraisal falls squarely on the shoulders of community elites and leaders in Malay/Muslim Organisations (MMOs). It may be necessary to reverse some decisions and enact new ones, as the preservation of Malay/Muslim laws, cultures and traditions are by large in our own hands. If laws, culture and traditions are stagnant, so will the society. Yet it is impossible to embrace and adopt new legislations, values and traditions which are relevant to the context of present day society without discarding and learning the shortfall of those which are archaic and pose an impediment to progress.

Throughout history, many societies learn, unlearn, relearn and adapt to the situational forces of their times. The early Muslim communities were no different. Even the Caliphs had to, for instance in the case of triple '*talak*', revise, revoke and amend its application over time. Perhaps, taking a leaf off their historical journey now becomes imperative. The Malay Muslim community's survival and meaningful existence depends on its ability to leap out of being a liability and stand up as a significant element contributing to the nation's progress.

Statistical Overview of Muslim Marriages & Divorces

Extracted from Singapore Department of Statistics, Statistics on Marriages & Divorces 2003, 2004 & 2005

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Highlights of 3-year Trends in Muslim Marriages

NOTE: - Brackets denotes figures from [2003], {2004}

In 2005, **3950** Muslim marriages were registered with ROMM ([3871], {4098}) of which **64%** were Malay couples ([71], {69}). Inter-ethnic marriages, which has seen a steady increase made up **28.3%** of marriages in 2005 ([23.1], {25.4}). Of these, **75.4%** of inter-ethnic marriages in 2005 involve either a Malay bride or groom ([74.9], {70.2}).

64.2% of Muslim marriages were between brides and grooms married for the first time ([67.1], {64.4}). The median age of marriage and remarriages for both grooms and brides remained steady over the last three years. The Median age of grooms for first marriages in 2005 is **27.7** ([29.3], {27.7}) and for remarriages is **39.9** ([40.6], {40.2}). The Median age of brides for first marriages in 2005 is **24.7** ([24.5], {24.6}) and for remarriages is **35.4** ([35.5], {35.4}).

There is no significant change in the overall number of marriages involving minors (under 21). **140** or **3.5%** of Muslim grooms in 2005 were under the age of 21 ([4.3], {3.9}), of which **11** grooms were 17 years of age or younger ([15], {21}). In comparison, **508** or **12.9%** of Muslim brides were under the age of 21 ([12.9], {13.8}) of which **81** brides were 17 years of age or younger ([88], {92}).

Highlights of 3-year Trends in Muslim Divorces

2005 saw **1873** Muslim divorces registered ([2105], {1855}) of which **1481/79.1%** were Malay Muslim couples ([1640/77.9%], {1425/76.8%}). Median age of male divorcees stands at **38** ([37.4], {37.1}) and female divorcees stands at **34.3** ([34.4], {33.5}). **60%** of divorces for 2005 were initiated by wives ([59], {56.6}). **61%** of divorces in 2005 were for marriages 0-9 years ([60], {63}) and **26%** were for marriages 10-19 years ([30], {25}).

622/33% of divorced couples for 2005 were without dependent children under 18 years of age ([675/32%], {664/36%}). Of the divorces with dependent children in 2005, **712/57%** were couples whose marriage lasted between 0-9 years ([784/55%], {692/58%}). Marriages with dependent children of duration 10-19 years involved **407/43%** divorces which saw a significant increase in percentage when compared against 2003 [514/36%], and 2004 {385/32%}. In 2005, **2429*** dependent children saw their parents divorcing ([2885], {2221})*. For the period 2003-2005, about **7535** dependent children were affected by divorcing parents. Noting 60% divorces were on marriages under 10 years, it is safe to assume that a very large proportion of these children are of primary school going age or younger.

* From Table A2.38 (2003) and A2.28 (2004 & 2005). Ratio for 4 children and above assumed at 7:2:1