

FACTORS CONTRIBUTE TO MARITAL PROBLEMS AMONG MALAY MUSLIM WOMEN: A CASE STUDY IN MALAYSIA

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ABSTRACT

Conflict in marriage is part of the process that helps couples to be more mature in their marital life. However, it tends to be the source of marital breakdown if not dealt with wisely. In many situations, women are always victims to this break up. This paper will analyze the types of marital problems which had been faced by Muslim Malay women. Files of family cases at the Counselling Unit of the State Islamic Religion Departments had been referred to obtain the data particularly the demographic background of couples and also the information regarding the problems that lead them to the Counselling Unit. This research which had been carried out in three states identified more than 40 types of cases that had been reported by women.

Keywords: *Factors of Marital Problems, Husband Responsibility, Counselling Unit, Complainant, Complainee*

Method of Research

Malaysia has 14 states, each of which has its own religious administration. This study covers the states of Selangor, Melaka, Penang and Terengganu. These states represent the four zones in Peninsular Malaysia, i.e. Selangor represents the western zone, Melaka the southern zone, Penang the northern zone and Terengganu the eastern zone. In each state, only two districts are selected to represent the said state.

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The data collected are from complaint files which cover a period of three years: 2004, 2005 and 2006. The number of cases selected for each state differs based on several factors. Firstly, only files containing complete information are selected. Secondly, each district has different complaint frequencies based on its population density. The data are then analysed descriptively according to frequency and percentage.

It is noted that complaint files are classified according to specific categories such as divorce application, divorce confirmation, revocation of divorce (*ruju'*) and counselling. In other words, the files are classified according to the purpose of the complainant's visit to the religious office. For the purpose of this study, the files selected are from the 'divorce application' and 'counselling' categories only. This is due to the fact that these are the only files which contain the required information, i.e. the type of marriage problem or conflict reported, unlike 'divorce confirmation' files which merely report on the confirmation of divorce and revocation of divorce.

In Selangor (western zone), 1016 cases were taken as a sample from an overall total of 3729 cases reported over a period of three years (2004, 2005 and 2006). For the southern zone, 950 cases were taken from a total of 2389 cases reported over a period of three years (2004, 2005 and 2006). The number of cases taken as samples for the northern zone is 811 cases from a total of 1183 cases reported over a period of three years (2004, 2005 and 2006). As for the eastern zone, the number of cases studied is 340 cases from a total of 651 cases reported over a period of three years (2004, 2005 and 2006). The total number of cases taken as samples is demonstrated in the table below. The table below illustrates the number and percentage of cases studied.

Table 1: Number of Cases

| Zone | Number of Cases Studied (2004, 2005, 2006) |
|--------------------|---|
| Western | 1016 |
| Southern | 950 |
| Northern | 811 |
| Eastern | 340 |
| Grand Total | 3117 |

Respondent Demographic Information

i. Gender of Respondent

Based on the overall observation made on the data collected, females recorded a higher number of those who complained about marital problems compared to males. Out of 3117 cases studied, 2266 complaints were made by wives against their husbands. (They constitute 72.70% of the total 3117 cases).

Table 2: Gender of Respondents

| State | Gender of Respondent | | Total | Percent |
|--------------------------------|----------------------|-------------|-------------|-------------|
| | Male | Female | | |
| Selangor (Western zone) | 270 | 746 | 1016 | 33% |
| Melaka (Southern zone) | 258 | 692 | 950 | 30% |
| Pulau Pinang (Nothern zone) | 229 | 582 | 811 | 26% |
| Terengganu (Estern zone) | 94 | 246 | 340 | 11% |
| Grand total | 851 | 2266 | 3117 | 100% |

ii. Age of Respondent:

The data collected from each state show that the age of complainants and complainee with the highest frequency ranged between 30 and 39 years old followed by 20 – 29 years old, 40 – 49 years old, and below 20 years old. It is found that the number of respondents involved decreases with the increase of age. This means that the majority of complainants and complainees are youths aged between 20 and 39 years old (70.32% for complainants and 64.9% for complainees). Nevertheless, there are also respondents from the elderly category. This indicates that marriage problems and conflicts do exist among the elderly as demonstrated in Table 3 and Table 4 below.

Table 3: Age Group of Complainants

| Age group of complainants | Western zone | Southern zone | Nothern zone | Eastern zone | Total | Percent |
|---------------------------|--------------|---------------|--------------|--------------|-------------|------------|
| <20 | 7 | 8 | 8 | 3 | 26 | 0.83 |
| 20 – 29 | 333 | 295 | 279 | 104 | 1011 | 32.43 |
| 30 – 39 | 410 | 350 | 296 | 125 | 1181 | 37.89 |
| 40 – 49 | 214 | 221 | 165 | 71 | 671 | 21.53 |
| 50 – 59 | 42 | 48 | 51 | 25 | 166 | 5.33 |
| 60 – 69 | 7 | 19 | 8 | 8 | 42 | 1.35 |
| 70+ | 3 | 9 | 4 | 4 | 20 | 0.64 |
| Total | 1016 | 950 | 811 | 340 | 3117 | 100 |

Table 4: Age Group of Complainee

| Age group of Complainee | Western zone | Southern zone | Nothern zone | Eastern zone | Total | Percent |
|-------------------------|--------------|---------------|--------------|--------------|-------------|------------|
| <20 | 9 | 3 | 7 | 1 | 20 | 0.64 |
| 20 – 29 | 276 | 243 | 244 | 87 | 850 | 27.27 |
| 30 – 39 | 431 | 346 | 283 | 113 | 1173 | 37.63 |
| 40 – 49 | 224 | 259 | 185 | 85 | 753 | 24.16 |
| 50 – 59 | 57 | 73 | 67 | 35 | 232 | 7.44 |
| 60 – 69 | 12 | 20 | 21 | 8 | 61 | 1.96 |
| 70+ | 7 | 6 | 4 | 4 | 21 | 0.68 |
| Not indicated* | | | | 7 | 7 | 0.22 |
| Total | 1016 | 950 | 811 | 340 | 3117 | 100 |

The table 5 shows that the duration of marriage with the highest frequency ranges between 1 to 5 years, i.e. 1039 cases or 33.33% followed by 6 – 10 years (23.13%) and so on. This indicates that the first ten years of marriage is a critical period. During this period, married couples begin to get to know each other. Differences in terms of culture, lifestyle, values and views can lead to marriage problems if they are not dealt with appropriately. ¹

Besides indicating that the number of respondents decreases with the increase of marriage years, the table also illustrates that a similar trend occurs in all four zones involved. This in a way indicates that marriage conflicts or problems often occur during the initial stages of marriage and that their frequency decreases with the increase of marriage years. Various factors can be associated with this phenomenon. One of them is the possibility that such phenomenon might be influenced by the maturity of married couples in facing and solving the conflict or problem. This phenomenon can also be associated with the period during which the couples try to adjust to each other which would normally take some time in order to create compatibility, understanding and other positive values which are necessary to build a happy family.

iii. Duration of Marriage

Table 5: Duration of marriage

| Duration of marriage | Western zone | Southern zone | Nothern zone | Eastern zone | Total | Percent |
|----------------------|--------------|---------------|--------------|--------------|-------------|--------------|
| < 1 yr | 58 | 23 | 63 | 24 | 168 | 5.39 |
| 1-5 yr | 358 | 298 | 286 | 97 | 1039 | 33.33 |
| 6-10 yr | 268 | 227 | 168 | 58 | 721 | 23.13 |
| 11-15 yr | 142 | 175 | 109 | 51 | 477 | 15.30 |
| 16-20 yr | 88 | 110 | 88 | 41 | 327 | 10.50 |
| 21-25 yr | 63 | 74 | 56 | 22 | 215 | 6.90 |
| 26-30 yr | 25 | 24 | 28 | 9 | 86 | 2.80 |
| 31-35 yr | 10 | 11 | 3 | 5 | 29 | 0.93 |

¹ Interview with Pn. Hasni bt. Ismail, counselling officer of the Kepala Batas Islamic Religious Department, Penang, on June 6, 2007 at 11.30 a.m.

| | | | | | | |
|----------------------|-------------|------------|------------|------------|-------------|-------------|
| 36-40 yr | 3 | 2 | 5 | 2 | 12 | 0.38 |
| 41-45 yr | | 4 | 2 | 1 | 7 | 0.22 |
| 45-50 yr | | 2 | 2 | | 4 | 0.13 |
| >50 yr | 1 | | | 1 | 2 | 0.06 |
| Not indicated | | | 1 | 29 | 30 | 0.96 |
| Total | 1016 | 950 | 811 | 340 | 3117 | 100% |

iv. Number of Children

Table 6: Number of children

| No. of Children | Western zone | Southern zone | Nothern zone | Eastern zone | Total | Percent |
|------------------------|---------------------|----------------------|---------------------|---------------------|--------------|----------------|
| 0 | 220 | 179 | 201 | 68 | 668 | 21.43 |
| 1 | 225 | 185 | 168 | 57 | 635 | 20.37 |
| 2 | 212 | 174 | 183 | 62 | 631 | 20.24 |
| 3 | 157 | 140 | 120 | 43 | 460 | 14.76 |
| 4 | 86 | 122 | 70 | 38 | 316 | 10.14 |
| 5 | 58 | 73 | 34 | 24 | 189 | 6.06 |
| 6 | 28 | 40 | 19 | 9 | 96 | 3.08 |
| 7 | 11 | 11 | 6 | 7 | 35 | 1.12 |
| 8 | 13 | 17 | 6 | 7 | 43 | 1.38 |
| 9 | 3 | 4 | 3 | 3 | 13 | 0.42 |
| 10 | 2 | 2 | | 1 | 5 | 0.16 |
| 11 | 1 | 2 | 1 | | 4 | 0.13 |
| 12 | | 1 | | | 1 | 0.03 |
| 13 | | | | 1 | 1 | 0.03 |
| Not indicated | | | | 20 | 20 | 0.64 |
| Total | 1016 | 950 | 811 | 340 | 3117 | 100 |

The table shows that respondents without children recorded the highest number, i.e. 668 couples (21.43%), while 635 couples or 20.37% have one child, 631 couples or 21.24% have 2 children. The figure decreases as the number of children increases. Besides that, there are 20 files of cases which did not state the number of children. Based on the aforementioned facts, the majority of respondents have a small number of children. For example, 2394 people or 76.8% of the overall total of respondents do not have more than 3 children. This shows that the number of children plays a significant role in marriage conflicts. This could be attributed to the fact that the marriage duration of most respondents was fairly short (as stated earlier). Such phenomenon is also influenced by the child factor which encourages couples to make various considerations and study the consequences of their actions (particularly if it involves the future of their children) should they continue with their conflict without seeking a suitable solution. ²

v. Education Level

The table shows that most complainants have SPM qualifications (898 people or 28.8%), followed by primary or lower secondary education (450 people or 14.44%), bachelor degree (198 people or 6.35%), diploma (189 people or 6.06%), STPM and other certificates (93 people or 2.99%), and postgraduate degree whether master's or PhD (29 people or 0.93%). Meanwhile, there were 1259 case files (40.4%) which did not contain any information on the education level of the complainant and most of these files were from the state of Melaka (950 cases or 75.46%). This is due to the fact that the form provided by the Islamic Religious Department of the State of Melaka does not require the respondent to provide the said information. Information on the education level of complainees also recorded a similar trend as illustrated in the table below.

See Raihanah Abdullah (2001), "Wanita Perceraian dan Mahkamah Syariah" ¹
in Raihanah Abdullah Wanita Dan Perundangan Islam. Petaling Jaya: Ilmiah
Publishers Sdn Bhd, p. 107.

Table 7: Complainant level of education

| Complainants' level of education | Western zone | Southern zone | Nothern zone | Eastern zone | Total | Percent |
|--|--------------|---------------|--------------|--------------|-------------|--------------|
| Primary | 30 | | 20 | 28 | 78 | 2.50 |
| UPSR (Completed Primary Education) | 48 | | 42 | 5 | 95 | 3.05 |
| SRP/ PMR/LCE (Intermediate) | 117 | | 118 | 42 | 277 | 8.89 |
| SPM/ SPMV/MCE (Secondary) | 393 | | 360 | 145 | 898 | 28.80 |
| STPM (Upper secondary) | 30 | | 28 | 7 | 65 | 2.09 |
| Certificate | 23 | | 5 | - | 28 | 0.90 |
| Diploma | 120 | | 45 | 23 | 189 | 6.06 |
| Bachelor | 133 | | 36 | 29 | 198 | 6.35 |
| Master/PhD | 24 | | 2 | 3 | 29 | 0.93 |
| Pondok/ Traditonal Religious School | - | | 1 | - | 1 | 0.03 |
| Not indicated | 98 | 950 | 154 | 58 | 1259 | 40.40 |
| Total | 1016 | 950 | 811 | 340 | 3117 | 100 |

Table 8: Complainee level of education

| Defendants' level of education | Western zone | Southern zone | Nothern zone | Eastern zone | Total | Percent |
|---------------------------------------|--------------|---------------|--------------|--------------|-------------|--------------|
| Primary school | 27 | | 13 | 27 | 67 | 2.15 |
| UPSR (Completed Primary Education) | 36 | | 37 | 11 | 84 | 2.70 |
| SRP/PMR/LCE (Intermediate) | 103 | | 112 | 42 | 257 | 8.25 |
| SPM/SPMV/ MCE (Secondary) | 383 | | 301 | 134 | 818 | 26.24 |
| STPM (Upper secondary) | 26 | | 15 | 3 | 44 | 1.41 |
| Certificate | 27 | | 3 | 1 | 31 | 0.99 |
| Diploma | 88 | | 23 | 20 | 131 | 4.20 |
| Bachelor | 103 | | 34 | 21 | 159 | 5.10 |
| Master/PhD | 24 | | 9 | 4 | 37 | 1.19 |
| Traditional Pondok/Religious School | 1 | | 1 | | 2 | 0.06 |
| Not indicated | 198 | 950 | 263 | 77 | 1487 | 47.71 |
| Total | 1016 | 950 | 811 | 340 | 3117 | 100 |

The two tables above show that the trend of the education level of complainants is similar to that of the complainees, i.e. in the case of complainees, most respondents completed form five or SPM (818 people or 26.24%), followed by those whose education level ranges between primary education and lower secondary education (408 people or 13.1%), bachelor degree (159 people or 5.1%), diploma (131 people or 4.2%) and STPM/other certificates (75 people or 2.4%). Apart from that, as many as 37 people or 1.19% of the respondents were holders of postgraduate degrees (master's or PhD). This indicates that those with high education too are vulnerable to marriage conflicts. Furthermore, owing to the fact that many complaint files were incomplete, there were many shortcomings in obtaining information on the education level of respondents. As for the southern zone, the education level of respondents could not be obtained as the complaint form provided by the relevant Islamic Religious Department does not require the respondents to provide the said information.

Apart from that, the trend of education level differs from one zone to another. In the western zone, bachelor degree holders recorded the second highest number of respondents while in the northern and eastern zones, those with SRP/PMR were the ones who recorded the second highest number of respondents. In other words, there is no uniformity among states in terms of the number of complainants and their level of education. This could be attributed to several factors among which is the relatively higher social level in developing zones or states which are equipped with various facilities and infrastructures particularly education opportunities which are provided for all levels of society. This can help in enhancing the standard of living and education level of the concerned communities.

These data shows that most of the complaint are from those whose education level ranges between primary education and lower secondary education. Less complaint from those who have higher standard of education may be caused by several factors:

1. egoistic: do not want show that they in fact, facing family problem.
2. shy; (self-respect) due to the high level education.
3. able to manage and settle the problem on their own.

vi. Income Level

Table 9: Monthly income of complainant of Selangor and Terengganu
(Western and Eastern Zone)

| Level of income of Complainant (RM) | Western zone | Eastern zone | Total | Percent |
|--|---------------------|---------------------|--------------|----------------|
| <1,000 | 220 | 101 | 321 | 23.67 |
| 1,000 - 1,999 | 276 | 58 | 334 | 24.63 |
| 2,000 - 2,999 | 113 | 23 | 136 | 10.03 |
| 3,000 - 3,999 | 39 | 2 | 41 | 3.02 |
| 4,000 - 4,999 | 30 | 1 | 31 | 2.29 |
| 5,000 - 5,999 | 26 | 1 | 27 | 2.00 |
| 6,000 - 6,999 | 13 | - | 13 | 0.96 |
| 7,000 - 7,999 | 4 | - | 4 | 0.29 |
| 8,000 - 8,999 | 4 | - | 4 | 0.29 |
| 9,000 - 9,999 | 2 | - | 2 | 0.15 |
| 10,000+ | 10 | 1 | 11 | 0.81 |
| Not indicated | 279 | 153 | 432 | 31.86 |
| Total | 1016 | 340 | 1356 | 100 |

Table 10: Monthly income of complaine of Selangor (Western) and
Terengganu (Eastern Zone)

| Level of income of defendants (RM) | Western zone | Eastern zone | Total | Percent. |
|---|---------------------|---------------------|--------------|-----------------|
| <1,000 | 143 | 91 | 234 | 17.26 |
| 1,000 - 1,999 | 244 | 65 | 309 | 22.79 |
| 2,000 - 2,999 | 106 | 16 | 122 | 9.00 |
| 3,000 - 3,999 | 47 | 14 | 61 | 4.50 |
| 4,000 - 4,999 | 22 | 2 | 24 | 1.77 |
| 5,000 - 5,999 | 32 | - | 32 | 2.36 |
| 6,000 - 6,999 | 11 | 1 | 12 | 0.88 |
| 7,000 - 7,999 | 6 | - | 6 | 0.44 |
| 8,000 - 8,999 | 7 | - | 7 | 0.52 |
| 9,000 - 9,999 | 3 | - | 3 | 0.22 |
| 10,000+ | 24 | 1 | 25 | 1.84 |
| Not indicated | 371 | 150 | 521 | 38.42 |
| Total | 1016 | 340 | 1356 | 100 |

In terms of the income level of the complainants and complainees, Selangor and Terengganu were the only states which provided the said information. As stated earlier, not all states provided for their clients personal information forms which contain all the necessary fields required by this study such as information pertaining to the income of the clients. Although the religious offices in Selangor and Terengganu provided personal information forms, there were still constraints in obtaining the required data owing to the fact that the forms were not filled in completely by the complainants and complainees.

Both tables show that there are no differences in the income levels of the complainants and complainees and that the number of respondents involved decreases with the increase of income except at the level of RM10,000 where the number of respondents increases. Besides that, the majority of complainants and complainees are those whose incomes are below RM2000, i.e. 655 complainants (48.3%) and 543 complainees (40.05%).

The table shows that the income of most complainants, i.e. 334 people (24.63%), was between RM1000 and RM1999 while 321 people (23.67%) had an income below RM1000, 136 people (10.03%) between RM2000 and RM2999, 41 people (3.02%) between RM3000 and RM3999, 31 people (2.29%) between RM4000 and RM4999, 27 people (2%) between RM5000 and RM5900, 13 people (0.96%) between RM6000 and RM6900, 2 people (0.15%) between RM9000 and RM9999, 4 people (0.29%) between RM7000 and RM7999 and between RM8000 and RM8999. There were also 11 people (0.81%) whose income exceeded RM10,000.

A similar income level trend was also experienced by the complainees. According to Table 13 above, most of the complainees had an income within the RM1000-RM1999 range, i.e. 309 people or 22.7%, followed by income below RM1000, i.e. 234 people (17.26%), RM2000-2999 (122 people or 9%), RM3000-RM3999 (61 people or 4.5%), RM4000-RM4999 (24 people or 1.77%), RM5000-RM5999 (32 people or 2.36%), RM6000-RM6999 (12 people or 0.88%), RM7000-RM7999 (6 people or 0.44%), RM8000-RM8999 (7 people or 0.52%) and RM9000-RM9999 (3 people or 0.22%). The number of complainees with an income exceeding RM10,000 (25 people) exceeds the number of complainants with similar income level (11 people only). It is observed that information on the income of complainees is not as readily available as the information on the income of the complainants. This may be attributed to the fact that many complainants do not have information on the income of the complainees particularly in the case of couples who have been living separately for some time, wives who have been abandoned by their husbands, couples who experience communication breakdowns and so on.

TYPES OF DISPUTES REPORTED

From the observation and analysis made on the data collected from the religious offices involved, it is found that the marriage disputes reported can be divided into three categories, namely disputes caused by the husband, disputes caused by the wife, and disputes caused by third parties. Disputes caused by the husband or wife can be divided into several types, i.e. economic, communication, moral and social problems.

The study found that 36 of the reports can be categorised as marriage problems caused by the husband (see the table), while 29 others are caused by the wife (see Table 15) and 10 caused by third parties (see Table 16).

Couples who come to complain about their problems would usually state various factors (more than one factor) as causes of the dispute between them. Thus, one complaint file would normally contain more than one type of complaint. This shows that marriage conflicts are often caused by a combination of several factors which might have been suppressed by the couples and were only revealed during the discussion session held with the counselling officer.

Nevertheless, there are also files which contain only one complaint and these complaints are usually related to conflicts caused by polygamy and third parties.

i. Complaints by the wife against the husband

Table 11: Types of complaints reported by wives on husbands

| Category | No. | Types of complaints | Western zone | Southern zone | Nothern zone | Eastern zone | Total |
|--------------|-----|--|--------------|---------------|--------------|--------------|-------------|
| Economic | 1 | Failure to provide sufficient livelihood | 317 | 461 | 98 | 424 | 1252 |
| | 2 | Jobless/Having no stable income | 72 | 118 | 18 | 99 | 295 |
| | 3 | Debt | 18 | 38 | 6 | 26 | 88 |
| Total | | | | | | | 1635 |

| | | | | | | | |
|--------------------|---------------------------------|---|-----|-----|----|----------|-------------|
| Comm- unication | 1 | Lack of mutual understanding | 34 | 33 | 2 | 126 | 195 |
| | 2 | Hot tempered | 23 | 185 | 38 | 130 | 376 |
| | 3 | Jealousy | 23 | 30 | 13 | 18 | 84 |
| | 4 | Cheating | 12 | 9 | 8 | 13 | 42 |
| | 5 | Not respecting in-laws | 16 | 7 | 7 | 12 | 42 |
| | 6 | Sour relation with children | 10 | 16 | 4 | 4 | 34 |
| | 7 | Nagging | 1 | 3 | 0 | 0 | 4 |
| Total | | | | | | | 777 |
| Moral | 1 | Adultery | 141 | 163 | 74 | 158 | 536 |
| | 2 | Drug addiction | 42 | 86 | 18 | 55 | 201 |
| | 3 | Idleness / Habit of spending time idly outside home | 28 | 50 | 8 | 46 | 132 |
| | 4 | Disrespect of religious practices | 9 | 35 | 23 | 45 | 112 |
| | 5 | Gambling | 17 | 40 | 3 | 27 | 87 |
| | 6 | Alcoholism | 16 | 37 | 7 | 30 | 90 |
| | 6 | Practicing deviated teaching | 3 | 2 | 1 | 3 | 9 |
| 7 | Forcing wife to commit adultery | 0 | 1 | 0 | 1 | 2 | |
| Total | | | | | | | 1169 |

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| | | | | | | | |
|--------------------|----|---|-----|-----|-----|-------------|------------|
| Social | 1 | Causing physical/ mental injury | 212 | 184 | 103 | 169 | 668 |
| | 2 | Polygamy | 88 | 122 | 66 | 100 | 376 |
| | 3 | Deserting wife | 58 | 75 | 10 | 66 | 209 |
| | 4 | Deporting wife | 29 | 27 | 8 | 27 | 91 |
| | 5 | Health problem | 17 | 31 | 10 | 19 | 77 |
| | 6 | Family bias | 4 | 1 | 3 | 5 | 13 |
| | 7 | Friend bias | 3 | 4 | 0 | 0 | 7 |
| | 8 | Reluctant in giving assistance in household matters | 0 | 2 | 3 | 0 | 5 |
| | 9 | (Negatively) Workaholic | 2 | 1 | 1 | 0 | 4 |
| | 10 | Escape with children | 0 | 2 | 0 | 0 | 2 |
| Total | | | | | | 1456 | |
| Sexual | | Failure to give sexual satisfaction | 118 | 110 | 16 | 99 | 343 |
| | | Cool relationship | 26 | 37 | 10 | 25 | 98 |
| | | Sexual excessive | 4 | 13 | 5 | 7 | 29 |
| | | HIV | 2 | 0 | 1 | 0 | 3 |
| | | Raping daughter / Sexual harassment | 0 | 4 | 0 | 3 | 7 |
| | | Homosexual | 1 | 2 | 1 | 2 | 6 |
| | | Phonography | 1 | 2 | 1 | 7 | 11 |
| Total | | | | | | 497 | |
| Grand total | | | | | | 5534 | |

From the above table, it is noted that the ‘economic problem’ category contains the highest number of complaints and is the most frequently reported complaint, i.e. 1635 cases, followed by the ‘social problem’ category (1456 cases), ‘moral problem’ category (1169 cases), ‘communication problem’ category (777 cases) and ‘sexual problem’ category (497 cases). The breakdown of each category is illustrated in the above table. It can be said that almost all complaints lodged (involving the husband) contain a combination of more than one factor. Various reasons can be associated with the problems caused by the husband. Among these reasons is the lack of knowledge and understanding of marital responsibilities. There are also other unforeseen factors such as health problems. However, what is more important is the problem of attitude, lack of awareness and failure on the part of the husband to ensure that he fulfils his duties and responsibilities in the best manner possible.

The high rate of complaints submitted by wives against their husbands also indicates that wives are often the victims of marriage problems. In other words, the wife is the one who is often greatly affected by the marriage problem.

ii. Complaints in which the wife is the root cause

As for complaints against the wife, it is noted that the ‘social problem’ category is the most frequently reported category, i.e. 933 cases. This is followed by the ‘communication problem’ category (414 cases), ‘moral problem’ category (42 cases) and ‘health problem’ category (34 cases).

Table 12: Complaints made on wives by husbands

| No | Types of complaints | Western zone | Southern zone | Nothern zone | Eastern zone | Total |
|--------------|---|--------------|---------------|--------------|--------------|------------|
| 1 | Nushuz/ disobedience of wife | 62 | 12 | 16 | 119 | 209 |
| 2 | Leaving home without permission | 70 | 97 | 28 | 30 | 225 |
| 3 | Not respecting husband | 35 | 50 | 11 | 0 | 96 |
| 4 | Asking divorce | 32 | 20 | 13 | 18 | 83 |
| 5 | Causing mental/ emotional injury | 8 | 19 | 2 | 8 | 37 |
| 6 | Causing physical injury | 3 | 8 | 5 | 4 | 20 |
| 7 | Refuse to obey husband | 8 | 7 | 3 | 0 | 18 |
| 8 | Having an affair | 82 | 43 | 20 | 43 | 198 |
| 9 | Refuse / Reluctant to responsibility | 23 | 20 | 4 | 0 | 47 |
| Total | | | | | | 933 |

Social

| | | | | | | | |
|--------------------|---|--|----|----|----|----|-------------|
| Comm- unication | 1 | Lack of mutual understanding | 28 | 28 | 2 | 86 | 144 |
| | 2 | Cool relationship | 49 | 36 | 14 | 36 | 135 |
| | 3 | Communication breakdown | 4 | 6 | 0 | 28 | 38 |
| | 4 | Jealousy | 17 | 13 | 4 | 4 | 38 |
| | 5 | Hot tempered | 11 | 4 | 3 | 9 | 27 |
| | 6 | Not respecting in-laws | 3 | 8 | 2 | 7 | 20 |
| | 7 | Family bias | 2 | 6 | 0 | 3 | 11 |
| | 8 | Nagging | 0 | 1 | 0 | 0 | 1 |
| Total | | | | | | | 414 |
| Moral | 1 | Smoking | 1 | 2 | 1 | 0 | 4 |
| | 2 | Lesbian | 2 | 0 | 0 | 0 | 2 |
| | 3 | Drug addiction | 0 | 0 | 2 | 0 | 2 |
| | 4 | Alcoholism | 1 | 0 | 0 | 0 | 1 |
| | 5 | Materialistic | 1 | 5 | 1 | 4 | 11 |
| | 6 | Imprisonment | 2 | 0 | 0 | 0 | 2 |
| | 7 | Idleness/Habit of spending time outside idly | 3 | 4 | 2 | 3 | 12 |
| | 8 | Refuse to perform Solat/prayer | 3 | 2 | 2 | 0 | 7 |
| | 9 | Prodigal/wasteful spending | 0 | 0 | 1 | 0 | 1 |
| Total | | | | | | | 42 |
| Health | 1 | Health problem | 13 | 7 | 5 | 9 | 34 |
| Grand total | | | | | | | 1423 |

The above table shows that social problems constitute the main factor in marriage conflicts caused by the wife. Many factors can be associated with this matter. Among them is the level of women's understanding and internalisation of their responsibilities towards their husbands as set forth by the shariah and their understanding of the concept of *nushuz* in Islam (such as the actions which may lead to *nushuz*). Although *nushuz* has been listed as the highest factor, there are cases in the *nushuz* category which ought to be reviewed in terms of the factors leading to the occurrence of *nushuz* as there are cases where the wife acts in a manner that may be construed as *nushuz* as a consequence of the actions of the husband. Such cases can be identified in discussion sessions attended by both the husband and wife (whether to lodge a complaint or upon being summoned by the counselling officer) at the religious office.

iii. Complaints in which a third party is the root cause

Table 13: Complaints by a Third Party

| No | Complaints by a Third Party | Western zone | Southern zone | Nothern zone | Eastern zone | Total |
|--------------|--|--------------|---------------|--------------|--------------|------------|
| 1 | In-laws interference | 55 | 78 | 32 | 75 | 233 |
| 2 | Living separately | 25 | 65 | 14 | 45 | 149 |
| 3 | Presence of third person | 4 | 13 | 6 | 52 | 75 |
| 4 | Forced marriage | 21 | 7 | 4 | 3 | 35 |
| 5 | Family interference (other than in-laws) | 2 | 10 | 6 | 2 | 20 |
| 6 | Step children | 3 | 4 | 6 | 0 | 13 |
| 7 | Sorcery/Black magic | 2 | 4 | 2 | 4 | 12 |
| 8 | Barren/Childless | 1 | 5 | 1 | 3 | 10 |
| 9 | Marriage for disgrace | 1 | 3 | 3 | 0 | 7 |
| 10 | Politic | 0 | 0 | 1 | 0 | 1 |
| Total | | 114 | 189 | 75 | 184 | 562 |

As for complaints in which a third party is the cause, the interference of parents-in-laws recorded the highest frequency rate, i.e. 233 cases³, followed by couples living separately (149 cases), third persons⁴ (75 cases), forced marriages (35 cases), interference of family members other than parents-in-law (20 cases), problems of step children (13 cases), black magic problems (12 cases), childless couples (10 cases), premarital sex (7 cases) and different political views (1 case).

By looking at Tables 11, 12 and 13 (factors originating from the husband outnumber factors originating from the wife and third parties) and the frequency of the sex of complainants, it is noted that husbands remain the main factor behind marriage conflicts particularly in the sense that they fail to fulfil their responsibilities as the head of the family.

iv. Case status

A general observation of the files of marriage problem cases at the religious departments indicates that these cases have been categorised as reconciled, on-going, i.e. cases which have been postponed or referred to the court (including for the purpose of seeking divorce), counselling, no-show by spouse, case transferred elsewhere, case closed and the complainant requested for the case to be closed for specific reasons. However, there are also files which do not state the current status of the case. In cases categorised as 'reconciled', the complainant will request for the case to be closed and the case will be closed and considered solved. Meanwhile, cases which are referred to the court (usually for divorce application), postponed (KIV) or transferred elsewhere are considered on-going cases which are still in the process. Apart from that, there are also cases which are categorised merely as counselling cases as the couples are only seeking opinion and advice for their marriage problem. In most states, cases in which either spouse fails to show up will be closed if the spouse still fails to show up within three months after being summoned.

Table 14: Case status

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- ³ Such frequency may be attributed to the norms and values of the Malay community where the elderly who are more experienced, particularly the parents, continue to play a role in their children's life even after their marriage. However, this role must be assumed wisely and in a manner that will help couples lead their married life maturely and not in a manner that will give rise to conflicts.
 - ⁴ Third persons in the context of this study are outsiders who are non-family members of the husband or wife.

| No | Case Status | Western zone | Southern zone | Nothern zone | Eastern zone | Total | Percent. |
|--------------|----------------------------------|--------------|---------------|--------------|--------------|-------------|-------------|
| 1 | Divorce petition | 28 | 521 | 93 | 560 | 1202 | 38.56% |
| 2 | In process | 437 | 222 | 65 | 288 | 1012 | 32.47% |
| 3 | Settled | 327 | 132 | 65 | 90 | 614 | 19.70% |
| 4 | Counselling | 1 | 63 | 21 | 9 | 94 | 3.02% |
| 5 | Petitioner's absence | 2 | 4 | 16 | 52 | 74 | 2.37% |
| 6 | Status not specified | 12 | 0 | 35 | 0 | 47 | 1.51% |
| 7 | Closed | 0 | 1 | 42 | 1 | 44 | 1.41% |
| 8 | Petitioner's request for closure | 1 | 1 | 2 | 11 | 15 | 0.48% |
| 9 | Transferred | 3 | 6 | 1 | 5 | 15 | 0.48% |
| Total | | | | | | 3117 | 100% |

The table shows that cases ending with application for divorce from among the sample cases represent half of the overall total of sample cases, i.e. 38.56%, outnumbering other cases. Meanwhile, only 19.7% of the cases managed to achieve reconciliation. The rest of the cases were on-going cases (32.47%), counselling cases (3.02%), no-show cases (2.37%), closed cases (1.41%), while the 'complainant requests the case to be closed' and 'case transferred elsewhere' categories both registered 0.48%.

It is noted that cases ending with application for divorce recorded the highest number among all cases in all states with the exception of Penang which registered 28 cases only. According to the counselling officer interviewed, the counselling unit tries as far as possible to reconcile the couples in order to reduce the divorce rate in the said state.⁵ It cannot be denied that this is a

⁵ Interview with Pn. Hasni bt. Ismail, op.cit.

positive step in the right direction. However, the problems of both parties must be solved amicably regardless of the decision made whether to reconcile or divorce. The willingness of both parties to achieve a solution is crucial so as to avoid any dissatisfaction in future.

CONCLUSION

The data gathered in the study, though with some constraint particularly related to income of complainant and complainee, reveals that marriage problem is undeniably an aspect of a family life. Boulle⁶ states that conflict is something normal in a social life either in a family institution or a community, where it is a part of social process, while Wan Halim Othman, on the other hand, mentions that conflict in a family begins since the origin of man⁷. Noone⁸ concludes that a conflict between individuals is inevitable but normal and part of life.

The study found that women constitute the most in terms of numbers of petitioners at the Counselling Unit Department of Religious Affairs, 2266 cases or 73% out of the total 3117 petitioners. This coincides with cases of divorce petition where women are the main 'clients' of the Shariah Courts of Malaysia⁹. The situation indicates that women are the most effected group in family crises and the pressure prompts them to come forward to make petitions to the relevant authorities. Basically, this is against the Malay tradition¹⁰ to keep their family crises within the family in order 'to save their faces' as mentioned by L.Y.Lim, 'Like the Chinese, face saving is important for the Malays'¹¹. This openness of the Malay women to report their grievances can be taken as a manifestation of their dire need for protection. It is also an indication of the increase of the awareness of their rights from their husbands and also the increase of awareness to demand for their husbands' responsibilities when the situation arises for the sake of the wellbeing of the family.

⁶ Boulle, Laurence (2001) *Mediation-Skills & Techniques*. Australia: Butterworth, p. 9.

⁷ Wan Halim Othman (1990), "Konflik Keluarga dan Intervensi" (A paper presented at the Seminar on Counselling and Man on 15-16 Disember 1990).

⁸ Noone, Michael (1996), *Mediation – Essential Legal Skills*. London: Cavendish Publishing Limited, p. 3.

⁹ Raihanah Abdullah (2001), *op.cit.*, p. 102.

¹⁰ Wan Halim Othman (1990), *op.cit.*, p.1.

¹¹ L.Y. Lim (1997), *The Theory and Practice of Mediation*. Singapore: FT Law and Tax Asia Pacific, p. 368. See also E. Khoo, "Negotiation in Malaysia" 4 ADRJ 93.

Initially, most of the cases are merely reports of grievances of the wives, however 38.56% end as divorce petitions. This can be taken to mean that the wives have come to the limit of their tolerance of their husbands' failure in fulfilling their family responsibilities and an action is imperative for the sake of the family.

Economy related problems as the failure of the husband to sufficiently provide for the livelihood of the family, jobless and debt are the dominant types of complaints by the wives, i.e. 1635 cases, apart from the moral and social related problems, 1169 and 1456 respectively, which are also considerably high. Statistically, they show the seriousness of husbands' failure in their responsibility. It is imperative for the Religious Departments in every state of Malaysia to create awareness among the husbands of their responsibility as well as rights in the family.

The study also found that despite the significant failure on the part of the husbands, the complaints by the husbands against their wives are also on the increase in terms of number as well as types. The number of cases of physical attack on husbands is surprisingly high if viewed from the physical and feminine characteristic of women. This shows that a woman can be offensive and hostile in family conflicts. Though the number of such cases is insignificantly small (20 cases) it deserves some form of attention from the relevant authorities.

Marriage conflicts are fairly common as each and every married couple will definitely face them during their married life. If looked from a positive angle, conflicts when dealt with correctly help married couples to be more mature in leading their married life and enhancing the love bond between the two and their family members. On the other hand, if conflicts are left unattended and no efforts are made to solve them, they will result in the collapse of marriage. This in turn will lead to many other social problems within the community. Therefore, it is very important to conduct studies such as this aiming at preserving and strengthening the marriage institution. The findings of this study can be used to assist the relevant authorities such as the State Islamic Religious Departments and other bodies to identify the root causes of the collapse of the marriage institution which constitute a key factor in the development of the Muslim ummah. From there, these authorities and bodies will be able to plan and formulate the necessary policies or development and enhancement programmes in order to strengthen the Islamic marriage institution.

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