

Short Article

Socio-Legal Dimensions of Family Health under Marital Settings of Marriage and Divorce in the Maldives

Mohammad Rauf¹ & M.Z.M.Nomani²

1. Assistant Professor, Faculty of Law & Islamic Studies, Maldives National University, Male
(Maldives) raufscholar@gmail.com

2. Professor, Faculty of Law, Aligarh Muslim University, Aligarh-202002(U.P./INDIA)e-mail:
zafarnomani@rediffmail.com

Abstract: The Jumhuriya Maldives or Dhivehi is a set of 1200 islands nestled inside the Indian Ocean. It is an exotic hideaway with palm-lined sandy beaches and turquoise waters that many believe to be a surprising record paradise on earth. Its divorce rate is the highest in the world. Divorce a socio-legal issue involving the legal dissolution of marriage, the couple is separated, and the family structure changes. When one partner entered into marriage with high expectations and met with only a lukewarm response from the other, disillusionment follows. Besides, society's acceptance of a high divorce rate has damaged relationships between men and women and has weakened the institution of marriage, which is the foundation of a stable society. The paper empirically examines the phenomenal effects of divorce and its consequences on society's family health and welfare.

Keywords: Dhivehi Jumhuriya, Marriage, Divorce, Gender Justice, Maldives

I. INTRODUCTION & BACKGROUND

The Maldives is an archipelago consisting of 26 atolls and a young democratic republic, or *Dhivehi Jumhuriya*, based on Islam's principles (Kamali, 2007). All Maldives citizens shall be Muslims, and no law contrary to any tenet of Islam shall enact in the Maldives. The country's culture, practices, and customs are influenced by India, Sri Lanka, Malaysia, Arabia, Persia, Indonesia, and even Africa. All Maldivian's affiliate to the Sect Sunni. Only Muslims can marry or own land in the Maldives, and Islamic values regulate modern society. The minimum age for marriage is eighteen, although some women marry *Wali's* permission by age fifteen. A man can have four wives at any time if he can financially support them. Sex before marriage is an illegal act. Weddings can only take place between Muslims (Razee, 2006). Polygamy is uncommon, but

divorce is rampant in the Maldives, and despite the introduction of the Family Act,4/2000, the divorce rate is still high. Some atolls by time are in several islands and isolated reefs, classified as smaller formations of atolls. The population is small, about 540,427. The paper dwells on divorce's socio-legal implications on family life by finding out how divorce has negatively impacted the Maldives' general development and community.

II. NATURE OF MARITAL SETTINGS

Since the Maldives embraced Islam in 1153, Religious education is provided both at home and school. Islam is part of the school curriculum and is taught concurrently with other subjects. The Prophet (peace and blessings be upon him) said, "Among lawful things, divorce is hateful by Allah." The Maldivian woman, averaging 30 years, has been divorced. Not a single one. Not twice as much. However, three times (Al-Suood, 2014:87).

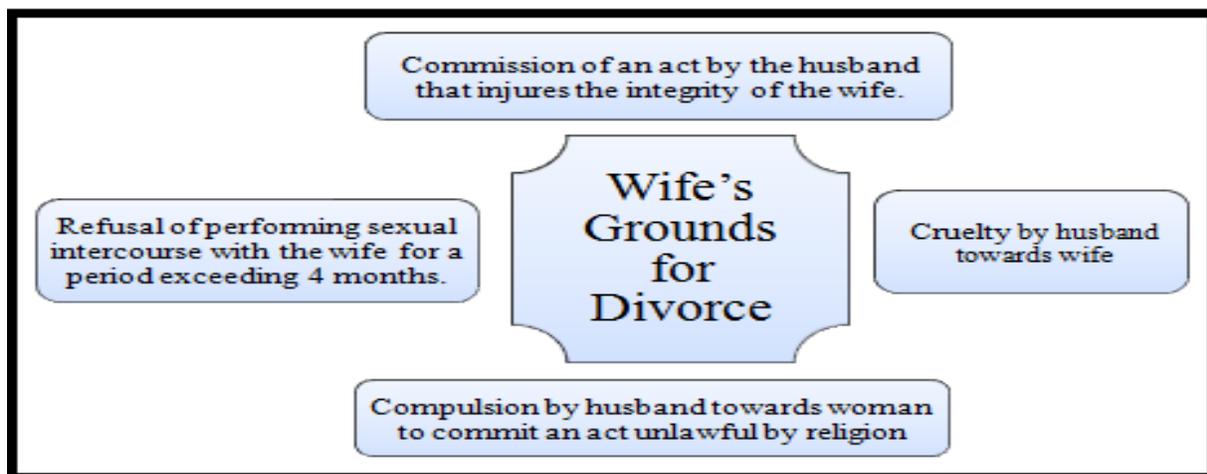
Table-1: Demographic Composition & Marital Status in the Maldives

Marital Status	Number	% age
Married	153,506	63%
Never married	62,323	25%
Divorced	16,765	7%
Widowed	8,142	3%
Not Stated	4,220	2%

Source: Fertility & Nuptiality Census of Maldives, 2014

Article 24(a) of the Family Act (4/2000) states that a wife may apply for a divorce on four main grounds. They are as follows:

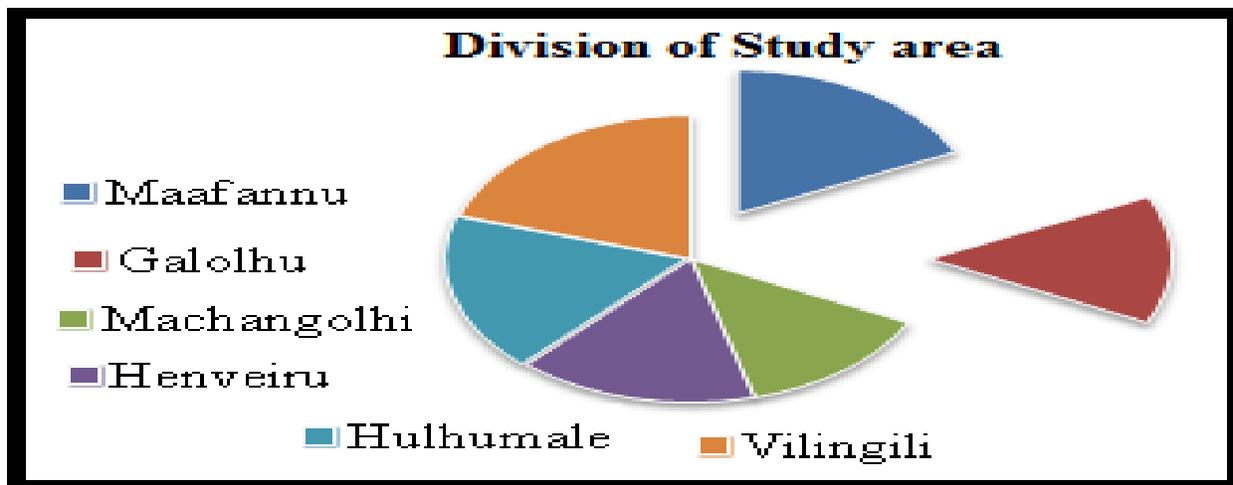
Figure-1: Grounds of Divorce for Wife under Family Act,2000



If a request is made to the Court for the wife to obtain a divorce about the grounds mentioned above, and if the husband refuses to divorce the wife, the matter shall be sent to the appropriate Court's Conciliation Division for Family Matters (Nomani, 2014). In Male' the case shall be forwarded to Conciliation Division in Family Court. However, in the islands, the judges have to work to conciliate the couple in such circumstances. The divorce is pronounced during a week or a month following the marriage. It has a profound impact on marital partners' lives, their children, and the whole society.

III. EMPIRICAL SURVEY AND AREA OF STUDY

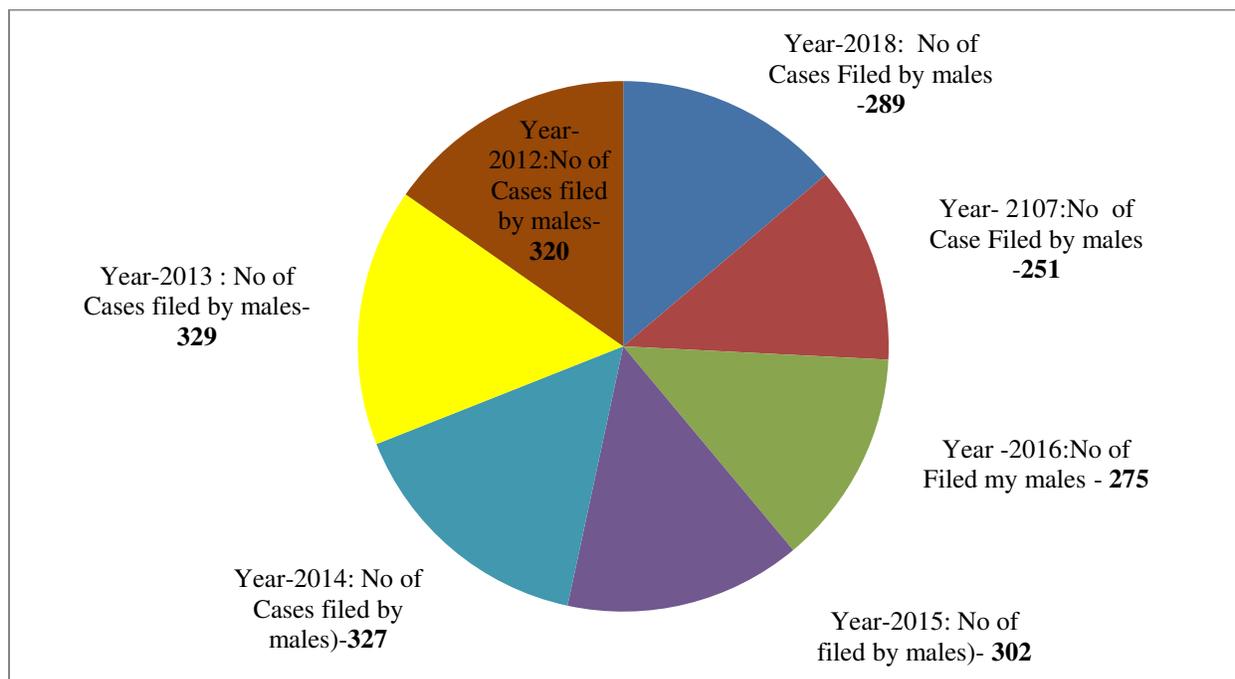
The *Dhivehi Jumhuriya* is a Muslim country, making it the smallest Muslim country in the world (An-Naim, 2002). Male' is a city of high-rise buildings and paved roads and having a high density of population. While the government offices are located in one area, the main streets are lined with shops and offices. Divorce is a family affair. Everyone around you is affected. The word divorce in itself is humiliating and painful. Divorce can be seen in any society as a personal misfortune to one or both of the spouses. The study area divided into the following divisions:



The sample size and sampling procedure is the conceptual structure, and the questionnaire consists of one hundred twenty (120) respondents comprised of both married and divorced. The questionnaire is divided into three parts. Part one deals with the questions from social aspects. The second from legal and the third is based on financial factors. For the information, we chose law students as volunteers of legal aid and literacy because they know the area. First, I got information about the divorced women from said sources. The interview, with the assistance of informants, was recorded and filled in questionnaires. I had difficulties finding divorced women for the study. Locating divorce women was challenging work for me.

IV. INCIDENCE OF DIVORCE

The study aims to examine the factors giving rise to the increasing divorce rate in the study area. It expects that the family as the cornerstone of society will provide the world with stability, support, and continuity. Divorce is not always the last resort. Family conflicts are entirely natural and inevitable (Nomani, 2015a). "Four things a woman can marry: her wealth, her lineage, her beauty, and her religious commitment. Choose the one who is religiously-committed, may your hands be rubbed with dust (i.e., may you prosper)." Islam gives women the right to divorce for multiple reasons if the spousal relationship becomes unbearable and impossible. These findings highlight the incidence and factors of divorce and its related issues in society. The results may help us understand the socio-economic and legal impact of divorce in Maldives (Nugman, 2002).



The results, as shown in Table-1, indicate that cases filed by males decreased slowly. There was a significant difference between the years 2014 and 2018. Divorce is not only the end of marital relations between the spouses. It has a severe impact on family health in society at large.

V. LEGAL PROCEDURE FOR DIVORCE

Until the adoption of the Family Law Act-4/2000, the courts, when deciding upon the family law issues, relied upon Islamic law as stipulated in the Qur'an, Sunnah, and other sources of Islamic law. The Family Act (4/2000) provides for the procedure to be followed by both men and women to apply for divorce. Article 23 of the Act allows the system to be followed by men if they wish to use it for divorce (Jones, 1997). Similarly, Article 24 of the Act provides for the procedure to be followed by women whether they want to file in any circumstance for divorce. According to

Article 23(a), if the husband wants to divorce his wife, an application can address a competent court. Competent Court refers to the Male` Family Court and the islands Magistrate Courts. Judge approval is required before the divorce. Article 23(b) stated that both the husband and the wife were summoned to Court after the application. If the wife does not object to divorce, then the husband is permitted to divorce the wife by the Judge. However, Article 23(c) provides that if the wife objects, the matter shall be sent to the Family Matters Conciliation Division in the family Court. In magistrate courts, the Conciliation by Mediation shall be conducted by the Magistrate Judge itself. If the Family Matters Conciliation Division notifies the Judge that the Conciliation was unsuccessful and if the Judge also finds that the marriage can no longer be continued in peace, under Article 23(d), the Judge shall have the authority to grant the approval of the husband in the divorce of the wife.

VI. CONCILIATION OF MATRIMONIAL DISPUTES

Article 23(e) of the Family Act, 2000 enunciates that the Conciliation Division for Family Matters shall Judge and inform the Court regarding reconciliation (Nomani, 2015c). Article 24(a) of the Maldives Family Act, 2000 indicates that a woman may apply for a divorce on four main grounds. If a request is made to the Court for the wife to obtain a divorce about the settings mentioned above, and if the husband refuses to divorce the wife, the matter shall be referred to the appropriate Court's Conciliation Division for Family Matters following Article 24(b). In Male' the case shall be sent to Conciliation Division in Family Court. However, in the islands, the judges have to work to conciliate the couple in such circumstances. Article 24(c) and (d) is similar to that of the procedure carried out if the husband makes an application to Divorce the Wife and if the Conciliation Division for Family Matters informs the Judge whether the Conciliation was successful or unsuccessful. If the Conciliation notifies the Judge that the proceedings have been unsuccessful, the Judge shall, if deemed fit, separate the couple by a 'Baayin Divorce. It is further stated in Article 24(d) that if the couple is reconciled after attending the Conciliation Division or by any other means, the Court will cancel and nullify the divorce application. Both of these applications were submitted to the relevant Courts. If in Male', to the Family Court and if in the Islands, to the Magistrate Court of that Island. The husband has to submit a form under the name 'Vari Kurumah Edhi Hushahalhaa. The woman seeking the divorce must submit a document called 'Vari Vumah Edhi Hushahalhaa. These Forms are available online from Islands Family Court and Magistrate Courts. In such proceedings, the custody and well being of children remains highly problematic in family settings (Nomani, 2015b)

VII. FINDING & CONCLUSION

The present study helps in understanding and knowledge of the family's current condition in Male' city. The present study is based primarily on both primary and secondary information methods. The primary source used the questionnaire and data analysis approach, which used the percentage and the highest mean score. Through a quantitative and qualitative study of one

landmark society, we hope to shed some new light on families' current condition and future in the study area. This study aims to minimize the divorce ratio within the scope of the study. Divorce causes men, women, and society unhappiness, legal problems, and economic instability (Rauf, 2020). The examinations of current domestic legislation assess how the laws are structured and how compliance is observed. The present study's findings have shown the economic factor as the dominant factor for almost all family issues, followed by the characteristics of unemployment, communication, urbanization, and change in value, and provide a detailed explanation of the socio-legal and economic impact of divorce on family health. This study also highlights suggestions for solving problems and strengthening family institutions such as religious education, legal education, and counseling centers.

Conflict of interest-None

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Ethical clearance- Not Required

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