

# Reasons for the Increase in the Percentage of Divorce and Judicial Distinctions in the World and Kurdistan Region/Iraq

Dr. Mohammed Khudhur Qader

***Abstract---** Currently, the world is going through such a period that the idea of marriage is not a big factor. Undoubtedly the oldest and most enduring institution in society is marriage and family. People have been grouping themselves into families since the beginning of human life to find social, physical, and cultural support. However, occasionally family life is such a trap, because of certain circumstances. Being alone is indeed better than getting someone who leaves miserable. Divorce comes here, it might sound simple, but agreeing to end a marriage is not easy for a husband and wife. They also spend a long time trying to settle the problems before agreeing to divorce. Further, often they simply cannot solve the issues, and they agree that the only option is a divorce. Transition is a normal part of life, but sometimes it is very hard to cope with when it happens to your family. This paper will address the definition and religious aspects of marriage, and then divorce in terms of the world and Kurdistan region context with the aid of the secondary data, exploring the causes of growing divorce rates.*

***Keywords---** Marriage, Divorce, Divorce Rates, and Kurdistan Region.*

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## I. INTRODUCTION

In today's culture, divorce rates are growing, however, for the individuals involved, they also pose a significant life stressor, with potentially strong negative effects on the emotional and physical health of all family members. As a result, divorce's effect on child welfare has been the focus of study for many decades and has long realized as the source of several severe and persistent behavioral and emotional issues in children and adolescents (Oliver, 2013). Parents used to remain longer in marriage for the sake of the well-being of their children, even though they were facing marital problems. However, now, just for a simple cause, too many couples end their marriage and become single parents. Regardless of how single parent approaches this challenge, the effects are much more serious compared to those of parents living together (Härkönen, 2014). Divorce affects the couple ending their marriage, and also affects their children. Around one million children in the US are affected by divorce every year (US Census Bureau, 2002). Research has shown that the consequences of parental divorce on children are multiple (Lewis and Sammons, 2001). Academic failure, weak peer interaction, and lack of commitment to interaction are some of the consequences of divorce on children (Lewis and Sammons, 2001). These issues do not fade overnight and persist during adolescence and into adulthood (Härkönen, 2014). According to reports from the US National Centre for Health Statistics, comparing single-parent and remarried-family children has more than double the potential to encounter emotional and behavioral problems (Doolittle and Deutsch, 1999).

According to Monama (2011), when we come to Africa, about 52 percent of urban African parents are single in 2007. Data released by Statistics South Africa from 1997 to 1999 showed a steady rise in divorce rates. This has

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*Dr. Mohammed Khudhur Qader, The Legal Administration Department, Koya Technical Institute, Erbil Polytechnic University, Iraq.*

begun to decrease, with the last recorded rates in 2001 being 582 divorces per 100 000 married couples (Locoh, 2001). It is a fact in South Africa that one out of every two marriages end in divorce (Collins, 2003). Those are alarming numbers not only because it leads to the deterioration of the family foundation, but also because it means 50 percent of young people are from broken families. In 2005, 32484 divorces were registered, according to statistics from South Africa, (2005). According to Blbas (2019), in Kurdistan, Iraq, revealed official divorce statistics for 2017-2018. Figures from the Court of Cassation showed that divorce rates in the region during this period were three times higher than in 2016. The statistics showed that the divorces recorded in Erbil's Personal Status Court amounted to 2,985 cases in 2017, and rose to 3, 598 cases in 2018, marking an increase of 613 cases. In Sulaymaniyah, the largest governorate in terms of population, divorce rates were 1,360 in 2017 and jumped to 4,085 in 2018. Duhok ranked third with 1,384 divorces a year earlier and an obvious rise to 1509 in 2018. The statistics also highlighted the marriages registered in 2018, with more than 15,000 in Erbil, including 36-second marriages by men; in Sulaymaniyah, marriages amounted to 13836, including 48-second marriages, while Dohuk saw 10,902 marriages, of which 89 were second ones. Family is the first social unit of organization that has to give emphasis starting from the formation of the household. It is built up through marriage, beginning from a couple. According to Serkalem (2006), family formation is based on the social life, which differs according to their socio-economic and cultural situation. Family as built up through marriage. It is important for reproduction, production, and socializing function.

Marriage is the way society joins the fundamental institution of family creation (Makara, 2009). It is a social institution that unites people to seek and sustain a bond, in a special form of mutual dependence. Marriage shall be arranged by public or private, religious or traditional ceremonies. While the Revised Family Code (RFC) (2008) makes it clear that "marriage is into which the free and full consent of the intending spouses" entered through one of the three-ways of marriage; i.e., civil, customary or religious marriages. Marriage reflects the purposes, character, and customs of the society in which it is found. Marriage is important for a transition of socio-economic values from the old to the young generation. Marriage in Kurdistan has its historical background; "Decades of feudalism in the country contributed significantly to the institutionalization of the practice. In this period, elites used marriage as a means to establish or strengthen relationships with the bride's or bridegroom's family to ensure social, economic, or political benefits". Alshekh and Samah (2019), pointed out that in Kurdistan, marriage often makes an economic (in terms of family wealth and property) transition primarily through the influence of family members. Marriage is important for the sharing of emotions, obligations, and childbearing. Elders claim that singles without their best halves are incomplete; best halves are members of the opposite sex by design. Throughout this way, marriage fulfill many holes throughout human needs and expectations that contribute to a productive life. Marriage thus helps to benefit in efficiency (for consumption and saving) and reproductive (accumulation of human capital) practices. Individuals agree to form a family, and living together produces greater personal well-being than living alone (Fafchamps and Quisumbing, 2006).

Marriage remains a societally deep-rooted tradition (Claiborne, 2012). So, this means that the cultures and values long sustain a marriage. Nevertheless, norms and societies are not static, and rather they change as the global situation change. Makara (2009), acknowledged that global changes influence the environment we live in; these are

technical, communicative, and political circumstances. Across these changes, with rising divorce practices, marriage standards are decreasing. According to Ambert (2009), the number of marriages decreases in reverse with the growth of most Western economies, resulting in the prosperity of the welfare state, which has coincided with a decline in the family role. In this context, Ciardi and Mammini (2008), supported the adoption of divorce, and rejected the worth of partnerships. Thus, this is also revealed by Fagan and Churchill (2012), on the impacts of the cultural revolution, which plays a major role in society as regards divorce. As a result, the divorce rate keeps rising, especially at its all-time high in developed western countries.

Divorce is much more complex than it would seem on the surface. It is not a one-time occurrence to terminate a marital relationship; it is a phase that may arise in a courthouse. A sequence of incidents and actions on the part of one or both partners usually erode the good feelings about one or both partners. Over some time, one or both of the marital partners are persuaded that the relationship is unsustainable, or at least it does not succeed when the marriage ends up as a compromise (Fagan, 2012). Divorce is a serious experience that has a critical impact on the whole family system, particularly its effect on children. Seblewongel (2009), pointed out that divorce is not a one-time event; it reflects a lengthy change of parents and children's sides. In particular, children whose divorced parents are at a high risk of psychological and social change compared with intact families (Sisay, 1997). Divorced-family children are vulnerable to different issues and threats. Claiborne (2012), revealed that divorcee children are more likely to indulge in promiscuous (having multiple sexual partners), abuse, other anti-social, and illegal activity related crimes. The negative effect of divorce persists into adulthood, where divorced-family adults find difficulty in a romantic relationship and work relative to non-divorced-family adults (Claiborne, 2012). Divorce hurts society and destroys human and social property (Fagan and Churchill, 2012). Divorce also permanently weakens the family and child-parent relationships. There are many factors and explanations for divorce, and it is not easy to have effects on children. Hence this research focuses on the divorce causes and its effects on the well-being of children who are separated from parents.

## **II. HISTORICAL BACKGROUND OF DIVORCE**

This research deals with the study's literature review and has attempted to provide theoretical clarification of the causes of divorce and its impact on the well-being of children divorced from parents. The reasons require information from other countries, and few local studies are important to the understudy of the issues. Study works and analysis of materials lead to the development of a basis for the current study and help identify gaps. As the divorce story suggested by many writers, most of the western hemisphere and some eastern hemisphere countries require divorce in some conditions (Kalafut, 2008). Balestrino, et al. (2008) said Western societies had supported both the implementation of divorce and the reduction of marriages over the last forty years. However, the family has been the primary provider of many services in the past, such as basic education, health care, pensions, assistance for the elderly. As the state's transition from conventional to modern, both the state and the market are increasingly providing essential alternatives to public and private services. Thus, marriage had become a decline as a means of social security replaced by the welfare state, while divorce had made it possible, first by making it socially acceptable and then legally permissible. Kalafut (2008) findings suggest that divorce had practiced early in

Kurdistan; “divorce has been a common practice in Kurdistan for centuries and has generally accepted. So, this means that Kurdistan is starting to practice divorce close to that of western nations.

### III. CAUSES OF DIVORCE

Following the flourishing of the country’s economy about women’s access to higher education and higher salaries, this put them less willing in traditional roles and expectations (Ambert, 2009). Until the last century, women practiced a more traditional role; most women were married by their early twenties. They destined to a life of having children, taking care of their husbands, and involving in domestic chores (Alshekh and Samah, 2019). According to Balestrino et al. (2008: 3), the main determinants of divorce is the couple’s earning differentials; that high-earning women gain relatively little from marriage, since the small differential implies that there is less possibility for an efficient sexual division of Labor, and have a stronger contribution in case of divorce.” According to Claiborne (2012), one of the major causes of divorce is inadequate preparation for marriage. Many young people can get married with no preparation, no social skills (less knowledge of the responsibilities of the marital relationship), and no reasonable and moral values. Parents are more interested in their children’s marriage rather than advising them to enable them to stay in the marriage. This idea conformed in other research works like International Gospel Hour (IGH) (2006), most parents want their children to have good marriages, but they do not provide the information and inspiration for those young people to have to be succeeding in their marriages.

### IV. DIVORCE RATE BY COUNTRY: THE WORLD’S 10 MOST

Many couples choose to express their love by tying the knot. Unfortunately, not all marriages last forever, and divorce is something that occurs in nations all around the world. We are going to take an in-depth look at divorce rates by country, breaking down the countries with the highest rates, as well as the nations with the lowest rates.

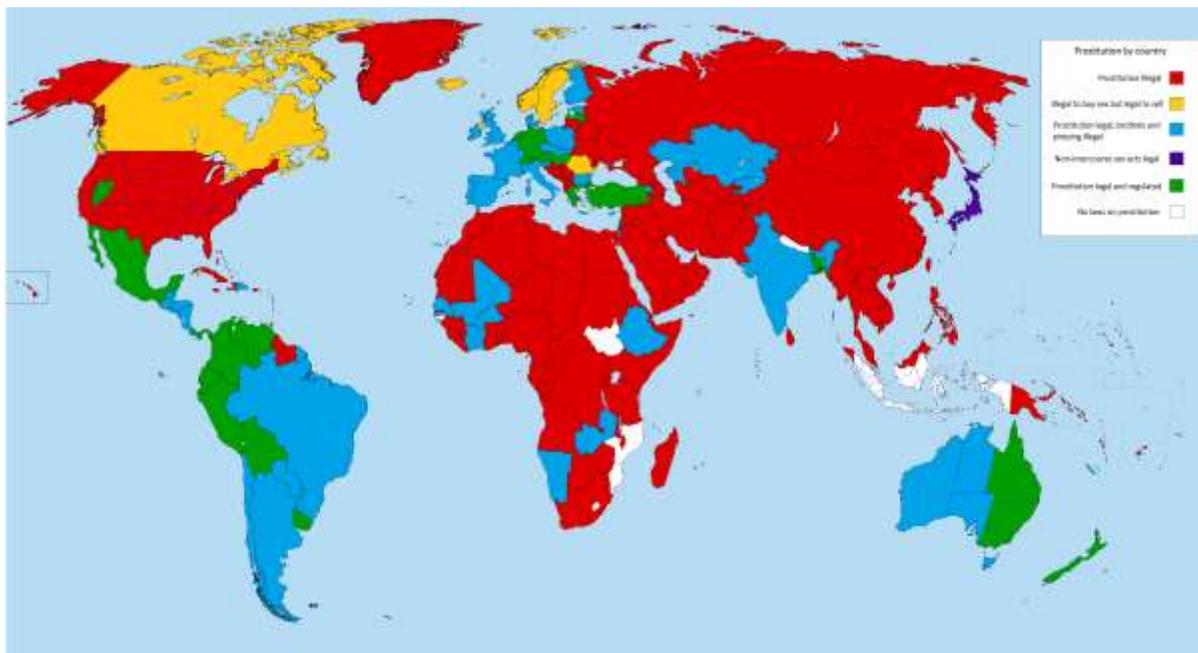


Figure 1: The World Map on Divorce

Table 1: Top Ten Countries with Highest Divorce Rates per Capita

<i>No.</i>	<i>Country</i>	<i>Percentage</i>
1	<b>Luxembourg</b>	87%
2	<b>Spain</b>	<b>65%</b>
3	<b>France</b>	<b>55%</b>
4	<b>Russia</b>	51%
5	<b>United States</b>	46%
6	<b>Germany</b>	44%
7	<b>United Kingdom</b>	<b>42%</b>
8	<b>New Zealand</b>	42%
9	<b>Australia</b>	38%
10	<b>Canada</b>	38%

Source: <https://www.unifiedlawyers.com.au/blog/global-divorce-rates-statistics/>

## V. DIVORCE SITUATION IN KURDISTAN: POLICY, LAWS & PROCEDURES

The divorce process in Kurdistan is very easy, only in three steps to divorce for both Husband and Wife seeking separation; i) giving notice in writing, ii) Facing the Arbitration Board, iii) taking a registration certificate from Registrar after 90 days' expiry. The said three measures also apply to women. The wife may file a claim for dower money and maintenance for herself and the children living with her in a family court which is called civil claim under the Muslim Family Law Ordinance 1959. And section 40 of the Marriages and Divorces (Registration) Act, 2008 provides that a registrar of Nikah may register divorce that is affected under Muslim law within his jurisdiction after requesting such registration from him. If a notice has been served and Talaq has been registered, a valid Divorce or Talaq will be executed in accordance with the law set out above. (Blbas, 2019), divorce and separation are still destructive processes in Kurdistan once again. News reports say Kurdistan has seen a dramatic increase in divorce rates. There are many explanations for this trend, including extramarital relationships, economic development, 'marriage migration, family power, and the broader educational environment. In terms of career growth, women have become better educated, and have started to experience the same opportunities as men. Moreover, a substantial number of battered wives agree to abandon their husbands, thinking they no longer need someone 'stronger' to watch them over. And the younger generation looks differently on issues. Professor Yousif Hama Salih of the psychology department at Salahaddin University comments, "Women are much more educated than before and are aware of their rights, so they do not tolerate anything which can affect their self-respect and dignity." Kurdistan Bar Association, Advocate Mahmooud Alnaqshbande, says, "The divorce rate is increasing as a result of violence against women." "Women are educated and self-reliant now," he added. "They are aware of their rights. If they find something wrong, such as extramarital relationship, they automatically seek relief, even when it comes to trivial matters. Sociologists and psychologists often express concern about the increasing rate of divorce. Professor Karim sharif of the Department of Sociology at Sulaymaniyah University said that 80% of the divorce petitions registered with the offices and courts of marriage registrars in the city had been filed by women alleging extramarital affairs on the part of their husbands, abuse by them and their intolerable behaviour.

Kurdistan Muslim Legal Registration Secretary found out that it was the women, more than the men, who are filing notices of divorce. He attributed this largely to their husbands being tortured. He added that the extramarital partnership created a surprising number of divorce notices. Following years of exposure to Western society,

individualism is seen as being 'superior' to the Eastern age-old, traditional family values. The husbands may have had extramarital affairs in the olden days. In these situations, the wife not only doubted her integrity as a wife and mother but also felt obligated to keep the matter secret in order to preserve the reputation of her husband and for fear that her bigotry would endanger marriage. However, women are now becoming more assertive, honest, and aware of their self-esteem (Billah , 2013).

## **VI. CONSEQUENCES OF DIVORCE**

### ***6.1. The Diminishing of the Father's Role in the Family***

Vast studies showed that the role of the father is considerably diminished as a result of divorce. It was attributed to the mothers usually obtaining child custody. This may result in a situation of parental alienation, called Parental Alienation Syndrome (PAS). The primary explanation for American children being robbed of a father within two generations changed from the death of a parent to the option of separation or divorce by a woman (Coney & Mackey, 1998). Before the 1960s, a parent's death by illness or accident was the main cause of being robbed of a family. The children were robbed of a father after the 1960s, largely because the mother decided to seek a divorce or become a single-parent mother. Many have dubbed this condition the "crisis in America: the absence of father" (Ancona, 1998). Much responsibility for murder, gangs, rape, crime, and drug abuse has been attributed to family breakdown that triggered the loss of parental roles in the first place. In short, it has been shown that society is getting imbued with being able to cope without fathers. Frequently, some women and others ask: Why do we need fathers? The effects of fatherless families were definitely seen in many situations as causing a variety of problems.

### ***6.2. Poor Impact on Children***

A number of studies have been conducted to indicate the harm that divorces or separations can do to children and parents which lead to family dissolution. Booth (1999), analyzed changes in the rates of divorce over the last century. Explanations were analyzed for the improvements, and future developments were predicted. The implications of future trends have been discussed, especially because they relate to children. The author concluded that the adverse association between parental divorce and the well-being of children existed well before the divorce occurred. In addition, children whose parents had low rates of conflict before divorce suffered more than those whose parents showed moderate to high conflict. These and other results were examined to recognize and resolve certain divorces that posed high long-term and short-term risks to children.

Regarding the impact of divorces on children, Kelly (2000), researched the development of children in troubled marriage and divorce. Kids of divorced parents as a group had more issues with the transition than children of parents who were never divorced. In the light of recent studies documenting the negative impact of broken marriages on children, the view that divorce per se was the main cause of these symptoms had to be addressed. Parents who divorced appeared to identify their children as having more problems than non-divorced parents, as noted in an Australian study by Burns and Dunlop (2000). For these youths, evidence from a retrospective study of Australian men and women who were teenagers at the time of their parental divorce again posed significant problems. Parent / child data analysis has identified divorced parent children as having more issues than children whose parents had not been divorced. These children as adults have become more wary of engaging in relationships.

Such children (1316-year-olds), whose parents identified them, were less socialized and more dysfunctional, and had more relationships as adults, those who identified themselves less favourably as teenagers also reported themselves as having worse ties as adults.

### **6.3. Emotional Problems for several Persons Involved in Divorce**

Knox and Zusman, (2001) discussed an analysis of marrying a man with “baggage,” in the case of second wives. Results showed that respondents who viewed their stepchildren as having caused problems in their marriage registered less satisfaction with their marriage, and more divorce thoughts. There were even more reservations overseeing their husbands remarried. Sixty-six percent of those individuals recorded feeling their family continued to be influenced by their husband’s first family and feeling resentful about their husband’s financial responsibilities because of the first family. Thirty-four percent of respondents have felt jealous of the first wife of their partner. Ram et al. (2002), published a study of the non-custodial parent and the children. Infants interpreted divorce as a disruption of daily life. They were forced to deal with the failure of their most familiar frame providing care centre. This double parenting was essential to proper growth and development and often caused the child to be arrested or regressed in development.

Despite the dearth of evidence from longitudinal studies, there has been growing awareness among professionals of the crucial role played by the non-custodial parent in the infant’s post-divorce adjustment. Parental conflict and other parental factors that affected the parent/infant non-custodial relationship were potentially hazardous to the child’s smooth and proper development. This was because one parent, usually the parent in custody, was trying to turn the children against the other parent (typically the father). This then led to, as already stated, parental alienation (PA) or a Parental Alienation Syndrome (PAS). According to Kobak et al. (2001), behavioral difficulties were also more likely to arise in children and were more likely to have suffered from the emotional problems arising from divorce. Results from an Australian study have shown that divorce in Australia costs seven-tenths of a year of education, primarily reducing completion of secondary school. In addition, parental remarriage was found not to mitigate the educational harm caused by parental separation or divorce.

### **6.4. Reduced Living Standards**

A variety of studies have observed decreased living conditions in the original marriage participants as a result of the divorce (Amato & Booth, 2001). In the former marital partnership this seemed to affect both parties. Contrary to traditional wisdom, when their union ended, the majority of partnered men in the USA lost economic standing (McManus and DiPrete, 2001). While most men suffered a reduction in living standards after marriage dissolution, the outcome of men was heterogeneous, and the minority of men who depended on their wives for less than 20 per cent of pre-dissolution income usually benefited from separation and divorce. Study results clearly showed the great economic interdependence of partnerships. This phenomenon tended to increase the proportion of people experiencing a reduced standard of living after separation.

## **VII. CONCLUSION**

Divorce levels around the world as well as in Kurdistan have been gradually rising over recent decades. In

Kurdistan the causes of marital dissolution in the form of divorce or separation vary from those of Western countries. However, the increase in divorce rate in here is correlated with several factors. This may sound simple but agreeing to end a marriage is not easy for a husband and wife. We also spend a long time trying to settle the problems before agreeing to divorce. However, often they simply cannot solve the issues, and they agree that the only option is a divorce. Change is a normal part of life, but sometimes it is very hard to cope with when it happens to a family.

Moreover, the evolving attitudes towards divorce institutionalized by specific amendments to the laws that made way for divorce. However, Kurdish women are also struggling for one of their constitutional right to divorce. Islamic groups reject any reforms in the constitution. The child custody & the right of economic support from the husband is still a big issue for the mothers in Kurdistan. The bad impact of divorce affects not only the parents but also their children & their future. Although not supporting divorce, it can be stated that “It is better to be alone than being with someone who makes you alone.”

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