

A SOCIOLOGICAL STUDY ABOUT DIVORCE AND ITS SOCIAL IMPACTS IN SRI LANKA

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Abstract - The legal union between a man and a woman can generally be defined as a marriage. The legality of such unions can be obtained through law or by the values of the society in question. In accordance with the modern law, this is commonly conducted by registering this marriage in a place of religious significance to a couple, such as a Hindu temple or a catholic church. Divorce on the other hand, can be defined as a legally acceptable action that can end this kind of formal unions. The main objective of this research was to study divorce trends in Sri Lanka. Today, the act of divorce functions as a serious crisis amongst many countries of the world. However, with regard to the divorce trends in Sri Lanka, it is evident that there's a substantial improvement in the present. Sri Lanka's law considers three main factors for a divorce, which is, adultery, the abject abandonment and the incurable impotence. Moreover, in comparison to 42% in the United Kingdom, the divorce rate is reported to be approximately 1.5% of the population in Sri Lanka. Even though it shows a rudimentary tendency towards divorce compared to the developed countries, it is comparatively higher and is growing significantly than before. In an eastward cultural background, the family cooperation in Sri Lanka is of a strong entity. And in the case of marriage in Sri Lanka, the man regarded as the head of the household and there constantly prevails the concept of male-domination in the family. In this context, the research problem was "what are the social impacts caused by divorce in Sri Lanka?" The hypothesis of this research was the fact that "the divorce imposes both negative and positive impacts on a person". Furthermore, the research methodology used in this research was through mainly primary data such as surveys and interviews along with secondary data such as raw data collection. Gampaha district in the Western province of Sri Lanka was selectively chosen as the field of research and fifty divorced individuals were examined for this research. Getting married at an immature age and separation within a short span of time was proven to be the main root of divorce in the present Sri Lankan society, even though it is little less when compared to other countries. The research found out that divorce can bring negative consequences on the husband, the wife and children whilst at the same time having certain benefits as well. Thus proving that divorce can be defined as something that creates social issues while possessing certain benefits.

Keywords – Abject Abandonment, Adultery, Divorce, Incurable Impotence

I. INTRODUCTION

A family comes in to origin as a result of the marital union between a man and a woman. But some of these married couples gradually come to terms with their discrepancies or get distressed from complications caused by socio-economic and cultural factors. And they opt to end their marriage. The legal severance of the marital union is called the divorce. There are several definitions on divorce presented on various view points.

The definition of the Encyclopedia Britannica about divorce is as follows. "The legal act by which a valid marriage is properly dissolved is the divorce." (Encyclopedia Britannica:1989) The Oxford dictionary identifies divorce as "the legal dissolution of a marriage by a court or other competent body." (Oxford Dictionary:2001) There are some concepts which are closely related to the idea of divorce, such as Separation, Desertion and Annulment.

"The divorce lets the husband and wife to permanently dissolve the marital union and frees both parties to remarry." (Pothem; 1996, p.5) In the Sinhalese oral tradition the marriage between a man and a woman is known as "Kasadaya" while the severance of the ties is called "Dikkasadaya", thereby

making the words marriage and divorce a pair of antonyms. According to Wikipedia - the internet encyclopedia, Divorce is the "final termination of a marital union, counseling the legal duties and responsibilities of marriage and dissolving the bonds of matrimony between the parties." (Wikipedia)

In the modern times, divorce has developed in to a major social catastrophe. In the recent history, an increasing tendency of divorce can be seen within the less developed countries as well as the developed countries. It has resulted in many social, economical and cultural issues in various sectors of the society.

Divorce has a long history of its own. It has been practiced even in the ancient tribal communities. Factors like adultery and infidelity have caused its execution. The contemporary dialogue about divorce clearly coincides with the increasing rate of divorce in the modern world.

Within the global community, one in every three families is highly susceptible to a divorce. (Karunathilake,2002) When the rate of divorce is compared, United States of America recorded the highest number of divorces in the year 2004. In contrast to the developed countries, the divorce rate of Sri Lanka is a low one.

Divorce Rates in 2004 - countries compared

Country	Amount (per 1000 people)
United States	4.95
Puerto Rico	4.47
Russia	3.36
United Kingdom	3.08
Denmark	2.81
New Zealand	2.63
Australia	2.52
Canada	2.45
Finland	1.85
Barbados	1.21
Guadeloupe	1.18
Qatar	0.97
Portugal	0.88
Albania	0.83
Tunisia	0.82
Singapore	0.80
China	0.79
Greece	0.76
Brunei	0.72
Panama	0.68
Syria	0.65
Thailand	0.58
Mauritius	0.47
Ecuador	0.42
El Salvador	0.41
Cyprus	0.39
Chile	0.38
Jamaica	0.38
Mongolia	0.37
Turkey	0.37
Mexico	0.33
Italy	0.27
Brazil	0.26
Sri Lanka	0.15

Source: divorcereform.org, 2004

Even though the United States recorded the highest rate of divorce according to 2004 statistics, European countries surpassed them in 2016-2017 figures recording a rapid boost of the divorce rate.

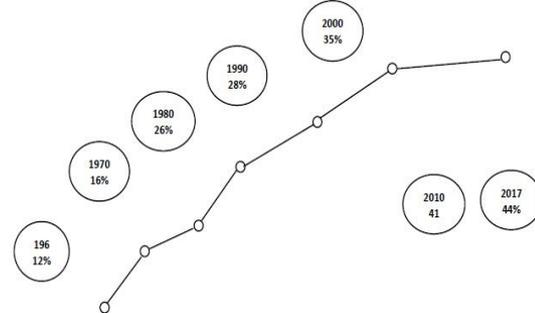
The top ten countries with highest divorce rates 2016-2017

Country	Divorce Rate
Belgium	71%
Portugal	68%
Hungary	67%
Seychelles	66%
Spain	63%
Luxemburg	60%
Estonia	58%
Cuba	56%
France	55%
United States	53%

Source: <http://www.worldtopmost.com>

The divorce can be identified as a continuously growing social issue in the modern global community. Its gradual expansion can be elaborated by the relevant facts and figures.

Global Divorce Rate is rising



Source: <http://5fg9x76nox-flywheel.netdissl.com>
 Statistically speaking, it can be seen that the rate of divorce of the less developed countries is lower than that of the higher developed countries. Here are the countries with the highest and lowest divorce rates.

Divorce Rate by Country

10 Highest	10 Lowest
Luxemburg 87%	India 1%
Spain 65%	Chile 3%
France 55%	Colombia 9%
Russia 51%	Mexico 15%
United States 46%	Kenya 15%
Germany 44%	South Africa 17%
United Kingdom 42%	Egypt 17%
New Zealand 42%	Brazil 17%
Australia 38%	Turkey 22%
Canada 38%	Iran 22%

The religious beliefs of the divorced members of the global community can be presented as follows.

Divorce Rate by Major Religion

Christian	37%
Catholic	36%
Buddhist	30%
Jewish	28%
Islamic	20%
Hindu	1%

Source: <https://amicable.io>

When compared with other religions, Hindus are clearly less accommodative for divorce and records a modest 1% of the population. Simultaneously, India which hosts a majority of Hindus has a low divorce rate. The matrimonial relationship in the traditional Sri Lankan society was more defined as a union between two parties than that of two individuals. Therefore the respective families provided an immense support for the continuity and the strengthening of the marital bond. This structure of

the extended family was in accordance with the agricultural society in Sri Lanka and participated in its functioning. But with the deterioration of the extended family and the rise of the nuclear family structure, the marriage began to be more an agreement between two individuals. In these circumstances the marital union lost its strong foundation and the matrimonial relationships became less weighed.

RESULTS AND DISCUSSIONS

Law has become an important factor for the proper termination of a marriage or divorce in the modern world. There are three factors which are fundamental for a divorce in Sri Lanka. (Hettige;2011;page 38-41)

1. Adultery
2. Malicious Desertion
3. Incurable impotency

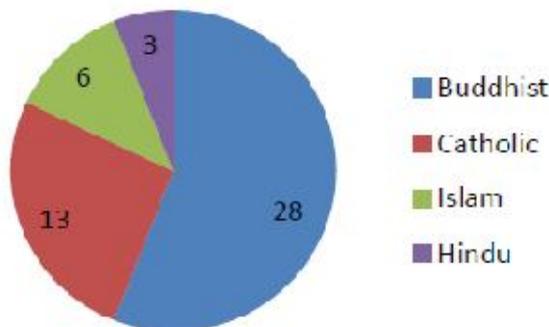
Acquiring a divorce in the Sri Lankan society is much difficult when compared to some other countries. The objective of this research article is assessing the socio economic factors for the divorce through a sample of 50 randomly selected divorced individuals from Gampaha district, which is a district of Sri Lanka that records a relatively high divorce rate. These are the statistics about divorce cases applied for the Gampaha District court 2011-2013.

Divorce cases recorded at Gampaha District Court 2011-2013

Year	Cases Recorded	Cases Settled
2011	602	16
2012	700	9
2013	719	8

Source - Family consultation records of the Gampaha District Court

Data collection was performed using interviews and a questionnaire. When the religious faith of the subscribers was examined it could be observed that the majority were Buddhists.



The majority of the data sample was very less educationally qualified. Most of the divorced individuals were in the age group 30-35 years. It was 66% of the total data sample. The amount of individuals who were divorced after a short period in marriage was high. 62% of the total data sample had

been divorced within 2 years after they have been wedded. Here are some factors which enforced the divorce.

- Economical issues
- Illicit relationships of the Man or Woman
- Domestic Violence
- Not receiving the expected dowry
- Childlessness
- Excessive alcoholism
- Drug addiction
- Wife becoming foreign employed
- Sexual issues and disorders
- Communication issues
- Malicious desertion
- Disrespect for each other
- Irresponsibility about each other

In Sri Lanka as 3rd world country, it's visible of a direct relationship between the divorce and poverty. Alcoholism and drug addiction are usual symptoms of a majority of males who are occupied in labor grade jobs. This family environment often paves way for domestic violence. Alcoholism could be identified even among the higher grade employees without any major economical difficulties. The sample indicated that the cases of domestic violence could be observed in those family backgrounds also. A society with a male dominant ideology, in the Sri Lankan culture, patriarchal authority is endorsed by women themselves. Therefore, abuse of women can be clearly observed as a factor among the divorced. The recent dramatic shifts experienced by the Sri Lankan society resulted in major changes in the role of woman. But concurrently, the expansion of illicit relationships has also sped up. This widening of illicit relationships has directly resulted in promoting the divorce. It is the task of both the man and the woman to fulfill their own duties and responsibilities in the household. But presently, woman having to be more responsible on the household is a pattern apparent in the Sri Lankan society. By the burdening with responsibilities regarding children and the rest of the family, woman has stepped in to a fierce identity struggle. Such situations had developed in to a divorce.

CONCLUSIONS

Various parties are affected by the divorce. Primarily it has an effect on the children and the spouse and secondarily on the society. There are various influences enforced on the spouse and children by a divorce.

- Jeopardizing the lives of the children
- Women and children facing issues from single parenthood
- Sabotaging the education of children and turning them in to juvenile offenders

- Physical and mental hurt of children due to the second marriage of the parent.
- Being socially stigmatized
- Economical hardships

The divorce is beginning to be a concerning social issue in the Sri Lankan cultural environment. Even though divorce has resulted in physical and mental suffering for various parties in the society, it has succeeded in representing itself as a solution and alleviation for the individual. Divorce has paved the path to be relieved from domestic violence or to get

freed from mounting responsibilities for the sake of living a more relaxed life.

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