

DIVORCE AS A SOCIAL PROBLEM AND IT'S CAUSES: FAMILY COURT EXAMINATIONS FROM KARABUK SAMPLE

TOPLUMSAL BİR SORUN OLARAK BOŞANMA VE NEDENLERİ: AİLE MAKEMESİ İNCELEMELERİ İLE KARABÜK İLİ ÖRNEĞİ

Prof. Dr. Gülay GÜNAY¹
Prof. Dr. Ali Fuat ERSOY²
Olca ALAS ÖZDURAN³

CORRESPONDENCE

¹ Karabük University Faculty of Economics and Administrative Sciences Department of Social Work, KARABÜK
ggunay@karabuk.edu.tr

² Karabük University Faculty of Economics and Administrative Sciences Department of Social Work, afuate@gmail.com

³ Karabük Provincial Directorate of Family, Labor and Social Services, olcayalas@hotmail.com

ABSTRACT

Divorce is a complex process that can be viewed from different perspectives. It may unsettle couples economically, abuse mentally and affect their status in society. The negative impact of divorce on children reveals very complex problems. Thus, divorce causes social, psychological and economic destruction not only on divorced couples, both also all family members. Divorce emerges as an important social problem leading to disintegration of families raising healthy and happy individuals in future. Therefore, this study was designed to investigate the reasons of the divorce. This research was conducted in Karabuk. The total 519 (2013:213; 2014:306) files of divorce suit resolved between 2013-2014 and brought for divorce were investigated in Karabuk courthouse in the 1st and the 2nd Court of First Instance entitled as "Family Court". In the light of information obtained from these files, it was received that usually 0-4 years of married couples divorce rate (30.4%) is higher than the others and the couples married compromisingly are divorced at the rate of 54.7% and "severe incompatibility" exists in the first place with 43.5% among the causes of divorce. In addition, it was figured out that the results are not different according to 2013 and 2014. The results of this research have significant implications for policymakers' educators and family counselors in their search of strategies for improving to strengthen the family.

Keywords: divorce, divorce reasons, divorce files

ÖZ

Boşanma, farklı açılardan bakılabilecek karmaşık bir süreçtir. Çiftleri ekonomik yönden sarsan, ruhsal yönden örseleyen, toplumdaki durumlarını etkileyen bir olaydır. Çocuklar üzerindeki olumsuz etkisi ise çok karmaşık sorunlar ortaya koymaktadır. Dolayısıyla sadece boşanan çiftler açısından değil, tüm aile bireyleri üzerinde de sosyal, psikolojik ve ekonomik yıkımlara sebep olmaktadır. Geleceğin sağlıklı, mutlu bireylerini yetiştirecek olan ailelerin parçalanmasına yol açan önemli bir toplumsal sorun olarak karşımıza çıkmaktadır. Bu nedenle bu çalışma yaşanan boşanma olaylarının nedenlerini araştırmak amacıyla planlanmıştır. Araştırma Karabük ilinde yürütülmüştür. Karabük ili Adliyesinde "Aile Mahkemesi" sıfatıyla 1. ve 2. Asliye Hukuk Mahkemelerinde boşanmak amacıyla açılan ve 2013 - 2014 yıllarında karara bağlanan toplam 519 (2013:213; 2014:306) boşanma davasının dosyaları incelenmiştir. Bu dosyalardan elde edilen bilgiler ışığında, genellikle 0 - 4 yıllık evli çiftlerin boşanma oranının (%30.4) diğerlerine göre yüksek olduğu, görüşerek, anlaşarak evlenen çiftlerin %54.7'sinin boşandığı ve boşanma nedenleri arasında "şiddetli geçimsizliğin" (%43.5) ilk sırada yer aldığı belirlenmiştir. Ayrıca sonuçların 2013 ve 2014 yılına göre farklılık göstermediği bulunmuştur. Bu çalışmadan elde edilen bulgular, politika yapıcılarına, eğitimcilere ve aile danışmanlarına aileyi güçlendirmeye yönelik stratejilerin geliştirilmesinde önemli katkılar sunacaktır.

Anahtar Kelimeler: boşanma, boşanma nedenleri, boşanma dosyaları

INTRODUCTION

Family is a social milieu that individual is born into and provides all the necessary care and support to the individual in order to maintain his/her life henceforth birth (Özmen Kaymak, 2004). Family, as one of the basic institutions, contributes to the protection of individuals from every aspect and raises the quality of life of its members within a qualified economic, social and psychological support system. (Hanson et. al.1983). In terms of structure and processes of the institution of family, there are differences from country to country, and from society to society. The existence of so-called transfer of functions of

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family members, due to the reason of not being able to be fulfilled, continues to have importance (AGDED, 2013). However, owing to the rapid changes in the process of developing new social conditions affecting the family institution deeply, it leads to the emergence of a variety of changes in the structure. The family is not a static institution. In recent decades, marriage rates have fallen down, divorce rates have risen, and the defining characteristics of marriage have changed (Stevenson and Wolfers, 2007). The participation of family in the decision-making mechanisms concerning the child's care and development, and evolving around the communication between the husband and wife became the reason of the emergence of variations in attitudes caused unconditionally with the relations during marriage or divorce (Sucu, 2007).

Continuing marriages which do not go well despite all efforts; that is to say, "no matter what happens" is an idea that always causes more damage to family members. The existence of children is expected to be insufficient to continue a marriage (Arikan, 1996: 10). From this perspective, family that individuals gain positive behaviours and features developed, although there is a possibility to expand into a source of tension and conflict during the time of the major affective disorders. Divorce, as an outcome of the emotional disturbances occurring within the family, emerges as a result of tension and conflict. In this sense, as one of the most controversial social problem of family law, divorce attracts the attention of the public, it is a matter of examination undoubtedly of great importance and timeliness (Keskin, 2007).

While divorced spouses are still alive, based on the reasons foreseen in the law, the last decision of the case lies in the authority of the judge who decides whether or not to put an end to the marriage. At the same time, as a court divorce decree dissolves a valid marriage and allows both partners to remarry (Arikan, 1996:25; Garrett, 1982:323). Divorce is a relevant act in the legal matter, it reveals the alienation of couple in the emotional perspective, however economically it concerns about money and possessions, as both, social and psychological aspect it reveals facts such as gaining social and re-independence associated with changes in friendships, once gaining those liberties the individual comes across the issues of self-discovery, which ultimately has the psychological aspect. (Bohannon 1970: 37). Almost all the societies describe divorce as a negative thing which is also a major source of stress in human life. As one of the most traumatic events experienced by adults, one can create pressures that led to the crisis (Garrett, 1982: 324).

Statistical data in a way certainly prove that there is a serious social problem of divorce. Divorce, which is observed with increasing frequency, constitutes one of the crises of modern life in our country as well as in Western societies and continues to maintain its role as a social problem. Therefore, the issues such as divorce, divorce causes, divorce process, its impact on individuals, post-divorce life harmony and so on are placed under the examination of many disciplines (Uçan, 2007; Sucu, 2007, Arikan, 1996:33; Keskin, 2007; Garrett, 1982:323; Amato and Previti, 2003; Wolcott and Hughes, 1999). Considering the literature related with divorce, it is observed that social, cultural and individualistic features play significant roles. Attitudes towards divorce and divorce rates also vary from culture to culture (Uçan, 2007).

The rapid increase in divorce rates is remarkable in the last 40 years, especially for today's developed societies (Bedart & Deschenes, 2003 Seitz, 1999: 2). The average divorce rate in the European Union member states stands for approximately 40%. An analysis of statistics on divorce in the EU reveals; the highest crude divorce rates in 2012 were recorded in Latvia (3.6 divorces per 1 000 inhabitants) and Lithuania (3.5), ahead of Denmark (2.8). The lowest crude divorce rate in 2012 was recorded in Ireland (0.6 divorces per 1 000 inhabitants). Italy (0.9 divorces per 1 000 inhabitants, 2011 data), Malta (1.1), Greece (1.2, 2010 data), Slovenia (1.2) and Croatia (1.3) also recorded relatively low crude divorce rates (Eurostat, 2014). The world's highest divorce rate is reported in the United States where every two marriage ends with a divorce (Engel, 2014).

In Turkey, one of the harsh demographic indicators which was examined in the last twenty years revealed that the occurrences of divorce had a constant structure until 1996, from 1997 to 2000 though it a reduction was registered, however after the year 2000 it again appears to be an increase (Uçan, 2007). In our country, it can be argued that the rates of divorce gradually increase with the urbanization and improved economic structure due to the new possibilities for women in the workforce, which leads to a certain economic freedom. (TSI, 2014). Between 2002 and 2004, the rate of divorce has significantly increased, although there is a decline now. According to the data obtained from Turkish Institute for Statistics, the number of couples who divorced in 10 years in Turkey has increased approximately with 38% from 91 022 to 125 305 in 2013. However, in the same period there was a decreasing trend of marriage of 2.5%. In 2004, the number of married couples has decreased from 615 357 to 600 138 in 2013 (TSI, 2014).

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Divorce causes have a strong relationship with a given country's customs and traditions, showing significant differences according to their level of development. Numerous studies have identified multiple factors associated with the divorce. The following factors have become increasingly important cases: all social and cultural changes and their reflections on families, the increased rate of urbanization, the complexity of the daily life, communication technology and the spread of mass media, changes in consumer culture, individualization trends, the economic independence of the spouses, the social structure differences, the traditional role expectations, occupational and income levels change in divorce cases, the individual, the community and the family. On the other hand, religion, belief and racial differences are among the major causes of divorce. Acceleration of social life, as well as relocation, has allowance of random marriages such as between different religions or races and or different social classes. Ultimately, the marriages without love are not long-lasting ones. Especially families which were created eventually after a short period of time when partners got to know to each other, or the ones created despite the rejection from the part of relatives, or without their approval, face with major obstacles and are not also long-lasting marriages (Kurdek 1993; Karney and Bradbury 1995; Ono 1998; Van Widenfelt et al. 1997; Uçan, 2007; Amato and Previti, 2003; Wolcott and Hughes, 1999, Sucu, 2007, Yılmaz and Fidan, 2006). Furthermore, the increase of divorce is a negative effects on young generations. It has been revealed by statistics that the children of divorced individuals carry out a high rate of divorce in their marriages too. In such marriages, at the time of even the slightest disagreements between children and their parents, the easiest solution they are going to find is eventually a separation (Yörükoğlu, 1994: 104).

In recent years, almost all societies have experienced significant increases in divorce rates, as a result of the changes in family structure in parallel with the development of the technological, social and economic areas. Located between situational crises of contemporary life, the situation of divorce started to be frequently seen in our country and it is also increasing as in the Western societies (Uçan, 2007). Therefore, in order to examine the causes of divorce in this study, the planned study overall was to examine the country statistics in the correct proportion with the causes of the divorce rate of Karabük province in order to be able to find if the obtained results are in accordance with current recommendations.

METHOD

In the process of modernization and urbanization in Karabük province, the changes experienced in the socio-economic structure within the framework of marriage and divorce rates were the significant changes which were revealed by statistical data. According to the statistics of 2015 presented by the Turkish Statistical Institute in province of Karabük, the ratio of marriages has increased between 2002 and 2005, while a significant decline was recorded between 2006 and 2011. In 2002, the speed of marriage rate was recorded while being 8.83 in one thousand declined down to 6.86. The same statistical data, between 2002 and 2006, there was a decrease in the divorce rate. But there was a significant increase of divorce during the period between 2007 and 2011.

If the rate of divorce per one thousand was 1.27 in 2002, it significantly increased up to 1.79 (TSI, 2015). In this study, the causes of divorce in Karabük province were investigated through the analysis of 569 court cases. The Court from Karabük has officially taken the necessary permits from the Judges of the Civil Court of First Instance. The target of this study constitutes the divorce cases taken from the Judges of the Civil Court of First Instance from Karabük. The divorce cases from 2013 and 2014 were examined within the framework of official permission from the Judges of the Civil Court of First Instance from Karabük. In the first civil court of first instance and in the second civil court of first instance, between 2013-2014, there were 645 total amount of cases sued and 519 of cases whose results were determined (Table 1).

Table 1. The number of divorce cases in 2013-2014

<i>Year</i>	<i>Opened Divorce Case Number</i>	<i>Examined Divorce Cases</i>
2013	261	213
2014	359	306
Total	620	519

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According to 2013, there were 38 cases, and as of 2014, approximately 53 cases could not be reached for several reasons (lack of files in place, the absence in the archives etc.). By looking at the divorce petitions presented to the court in the divorce file together with decision taken by court, we can observe several reasons for divorce. Within the divorce petitions and involved decisions, things such as the marriage type, year of marriage, number of children are considered.

Research data, which was using the method of the tally sticks on the forms prepared by the researchers, were collected between January 18 and 22, 2015. The investigation related to why couples divorce in 2013 and 2014 was created based on cross tables.

RESULTS

According to the obtained results from the research, the couples applying to the court for divorce were averagely determined to be of 10.75 (SE= 8.92) years of marriage. As of 2013, the average duration of marriage was 10.33 (SE= 8.20) years, on the other hand, it was found to be 11.05 (SE= 9:39) for 2014. While years of marriage of a couple for 2013 were determined between 1 and 40 years, it varied between 1 and 46 years for 2014.

According to the age of the divorced couples examined in Table 2, the duration of marriages is displayed. Also, the examined cases reveal that the divorce usually takes place in the first year of marriage (30.6%), and it is possible to say that divorce rates are going down with a longer duration of marriage. The proportion of couples who divorced in the early years of the marriage does not differ according to 2013 and 2014 (2013: 30.5%; 2014: 30.7%). The result of chi-square analysis showed that there was no significant relationship between duration of marriage and number of cases during the period ($X^2 = 3.020$; $sd=5$; $p>0.05$) (Table 2).

Table 2. Duration of marriage according to age of the divorced couples

Duration of Marriage	2013		2014		Total	
	F	%	F	%	F	%
0 - 4 years married	65	30.5	94	30.7	159	30.6
5 - 9 years married	58	27.2	70	22.9	128	24.7
10 - 14 years married	35	16.4	54	17.6	89	17.1
15 - 19 years married	26	12.2	44	14.4	70	13.5
20 - 24 years married	14	6.6	15	4.9	29	5.6
25 years and more married	15	7.0	29	9.5	44	8.5
Total	213	100.0	306	100.0	519	100.0

$X^2 = 3.020$; $sd=5$; $p>0.05$

In divorce cases, 54.7% of the divorced couples stated that they had married with consultation, agreeing to marry, 38.9% had married with arranged marriage. The rate of the forced marriages was only 6.4%. Consultation, agreeing to marry rate was also high both for 2013 - 2014 compared to other forms of marriage (2013: 51.6%; 2014: 56.9%). There was no statistical relationship between marriage forms and cases years ($X^2 = 1.423$; $sd=2$; $p>0.05$) (Table 3).

Table 3. Marriage Forms of the divorced couples on the basis of the years

Marriage Forms	2013		2014		Total	
	F	%	F	%	F	%
Arranged marriage	88	41.3	114	37.3	202	38.9
Consultation, agreeing to marry	110	51.6	174	56.9	284	54.7
Forced marriage	15	7.0	18	5.9	33	6.4
Total	213	100.0	306	100.0	519	100.0

$X^2 = 1.423$; $sd=2$; $p>0.05$

By looking at the number of children that the divorced couples have: The ratio of non-child pairs is 32.4%, with one child 27.7%, while 26.6% of them have two children. The number of five or more children is the lowest (2.1%). The obtained results do not alter by this year. It includes the couples who divorced in 2014. In 2013, both have high rates of non-child (2013: 37.1%; 2014: 29.1%). The couples with no children in divorce rates based on these results are higher than the couples with children ($X^2 = 5.035$; $sd=5$; $p>0.05$) (Table 4).

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Table 4. Number of Children of the divorced couples on the basis of years

Number of Children	2013		2014		Total	
	F	%	F	%	F	%
No children	79	37.1	89	29.1	168	32.4
1	57	26.8	87	28.4	144	27.7
2	54	25.4	84	27.5	138	26.6
3	15	7.0	31	10.1	46	8.9
4	5	2.3	7	2.3	12	2.3
5 and more	3	1.4	8	2.6	11	2.1
Total	213	100.0	306	100.0	519	100.0

$X^2=5.035; sd=5; p>0.05$

As a reason for divorce in the divorce cases of "incompatibility of temperament" indicators come forefront (43.5%). Apart from this "spiritually incompatible" (40.7%), "family members and non-fulfilment of their responsibilities towards home" (35.8%), "violence of the wife" (29.9%), and "the love between spouses" and "the end of respect" (25.2%) the ratio of those reasons is also high. Among the data of 2013 "incompatibility of temperament" (44.1%) being on the top, while "spiritually incompatible" follows with the rate of (40.7%) and "family members and non-fulfilment of their responsibilities towards home" (35.8%). Data for 2014 include "incompatibility of temperament" (39.9%) cause, equal proportions (38.2%) "Spiritually incompatible" and "violence from husband" follows. According to the chi-square analyses, the relationship between case year and "failure to fulfil responsibilities against to family members and home ($X^2=3.939; sd=1; p<0.05$)", "the end of love and respect ($X^2=4.022; sd=1; p<0.05$)", "irretrievable breakdown of marriage ($X^2=4.098; sd=1; p<0.05$)", "violence ($X^2=24.939; sd=1; p<0.05$)", "Financial distress ($X^2=16.710; sd=1; p<0.05$)" are significant (Table 5).

Table 5. Reasons of divorce on the basis of years

Reasons of Divorce	2013 (n=213)		2014 (n=306)		Total (n=519)		Chi-Square Test
	F	%	F	%	F	%	
Spiritual disagreements	94	44.1	117	38.2	211	40.7	$X^2=1.810; sd=1; p>0.05$
Failure to fulfill responsibilities towards family members and home	87	40.8	99	32.4	186	35.8	$X^2=3.939; sd=1; p<0.05$
The end of love and respect	44	20.7	87	28.4	131	25.2	$X^2=4.022; sd=1; p<0.05$
Irretrievable breakdown of marriage	104	48.8	122	39.9	226	43.5	$X^2=4.098; sd=1; p<0.05$
The bad habits of partners such as alcohol, drug addiction, gambling, etc.)	11	5.2	28	9.2	39	7.5	$X^2=2.871; sd=1; p>0.05$
The absence of vigorous debate and insult	60	28.2	71	23.2	131	25.2	$X^2=1.642; sd=1; p>0.05$
Violence	38	17.8	117	38.2	155	29.9	$X^2=24.939; sd=1; p<0.05$
Family older members' interference to the relationships of couples	28	13.1	39	12.7	67	12.9	$X^2=0.018; sd=1; p>0.05$
Psychological problems of one of the spouses	11	5.2	13	4.2	24	4.6	$X^2=0.239; sd=1; p>0.05$
Financial distress	31	14.6	92	30.1	123	23.7	$X^2=16.710; sd=1; p<0.05$
Adultery	28	13.1	42	13.7	70	13.5	$X^2=0.036; sd=1; p>0.05$
Spouse is in prison	2	0.9	1	0.3	3	0.6	$X^2=3.020; sd=1; p>0.05$

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DISCUSSION AND RECOMMENDATION

Divorce is a complex process that can be viewed from different perspectives. The current study shows that the causes of divorce depend on how individuals are linked to socioeconomic level (Amato and Previti, 2003). According to Kitson (1992), the socio-economic level of individuals is the reason for high divorce rate; moreover, the following factors are reported as the causes of divorce: lack of communication, conflicts of interests, conflict of individuals with low socio-economic level; more physical or emotional abuse, domestic problems, responsibility sharing, economic problems, husband's turn to alcohol and gambling cases.

In the last 50 years, a lot of research from different approaches by different disciplines was conducted in almost all countries in the world. Most of these studies conclude that psychological, physical and socioeconomic well-being indicators were destructive for those who has experienced divorce compared to those who did not experience divorce (Härkönen, 2013). With this study, in the province of Karabük, there was a need to evaluate the causes of divorce and divorce rates that resulted in the reduction of institutions, organizations, and nongovernmental organizations. The study was conducted to suggest the current recommendations. For this purpose, the 1st and the 2nd Criminal Court of First Instance put forward the reasons for divorce in 2013 and 2014, totally 519 divorce cases were investigated in both courts.

According to the results obtained from the study, the reasons such as incompatibility of temperament, spiritual incompatibility, violence from husband, failure to fulfil responsibilities against to family members and home were found to be the highest and most significant causes. This situation is in line with the literature (Karney and Bradbury 1995; Ono 1998; Härkönen, 2013; Van Widenfelt et al., 1997; Flying, 2007, Amato and Previti, 2003; Wolcott and Hughes, 1999, Crime, 2007, Yilmaz and Saplings, 2006, Flying, 2007) .

In order to succeed socially, the establishment of the family and society helps the development of healthy and balanced individuals: There is a need for formal and non-formal education of individuals who are getting married because marriage is like life. It is effective in the formation of healthy families; therefore, several training programs on different topics should be planned. So as to strengthen the families to raise awareness of young people, seminars concerning "marriage and family life" 'panels, symposiums and training programs should be organized by both institutions and organizations as well as by universities. A study should be carried out to ensure the unity and solidarity of the family, revealing the importance of sharing family responsibilities. The education programs concerning marriage and family life should be prepared in various ways (within the family, school, adult education centres, mass media, etc.) which would be helpful to convey to young people. In every community, the importance of marriage and family life is extremely high, hence, there should be clearly demonstrated the policies created within the political field and along with the effective implementation. Within the creation of the necessary political infrastructure, mass media and social media as information technologies should create appropriate programs whose content would promote family values in order to prevent divorce. The establishment of responsible institutions and organizations, which can provide continuous service for both individual and family counselling centres, is primordial as well as the creation of Premarital Counselling Centres providing the consultation on necessary laws and regulations being established in each province. For the divorced couples, seminars should be given which would provide psychological support, particularly for mother and for father in order to assure care for children by minimizing the psychological pressure. Furthermore, if the need to divorce will occur despite the professional help, it will be useful for family members in the adaptation of new situations, but in case the marriage continues, it will eventually lead to a new restructuring of the marriage.

leads to a challenging profile of mood states. Themoodstructure of theseindividuals is complex (Akkök, 2003: 121-142).

The disabilities and the retardations in some of the abilities of the baby compared to her/his peers may cause shock, denial, and acceptance after a certain period of time on thefamily(Heiman, 2002; KandelandMerrick, 2007; Varol, 2010; Ergün and Ethem,2012; Hatun et al., 2016; Gören, 2016; Gül et al., 2017; Çelik and Ekşi, 2018).

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