

ONLINE LEARNING STUDY IN DIVORCE CASES MANAGEMENT: A CASE STUDY AT “PEJABAT AGAMA ISLAM KUANTAN”

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ABSTRACT

Divorce cases among Muslims in Malaysia is still in a high ratio statistics. This issue significantly affects the social progress of the nation. In many cases, the divorcee and their children are struggling mentally and emotionally in adapting with the new environment after the divorce. Many studies have been conducted about the divorce in Malaysia; most seems to focus on the factors that lead to the divorce; others focus on the processes of the divorce and ways to prevent it. Less study found to focus on post-divorce help, let it be alone to discuss about the post-divorce support centre. Therefore, a new proposed online divorce support management system has been proposed by the researchers to overcome the problems. The system highlights the potential of online learning as one of the proposed mechanism in managing divorce cases. Based on some interviews conducted at Kuantan Islamic Religious Office [Pejabat Agama Islam Kuantan], the concept of online learning is very novel and practical to be implemented by the religious office.

Keywords: Online learning study, divorce case management, “Pejabat Agama Islam Kuantan”

INTRODUCTION

Marriage is encouraged in Islam. It is an act to please Allah because it is in accordance with His commandments that husband and wife should love and help each other to continue the human race as well as rear and nurse their children to become true servants of Allāh. Allāh says in the Qur’ān says: “*And among His signs is that He created for you mates from among yourselves, that you may find tranquility with them. And He has put love and mercy between your (heart). Verily there are signs for people who reflect*”, al-Qur’ān, 30: 21¹. He says again: “*Marry those among you who are single, or the virtuous ones among your slaves, male or female. If they are poor, Allah will enrich them out of His Bounty, and Allāh is Ample-giving, Knowing*”- al-Qur’ān, 24:32 adapted from¹. The Prophet Muhammad encouraged marriage, he said: “*O young people! Whoever among you can marry, should marry, because it helps him lower his gaze and guard his modesty, and whoever is not able to*

marry, should fast, as fasting diminishes his sexual power.” - Ṣaḥīḥ Muslim, ḥadīth no: 1400²; Ṣaḥīḥ al-Bukhārī, ḥadīth no: 5065³.

Islām has set the rules, laws and statutes in order to maintain the happiness and welfare of the family institution. Divorce is a lawful thing, but is most hated by Allāh, the Prophet said: The Prophet said: *“The most hated of permissible things to Allah is divorce”* - Sunan Abī Dāud, , ḥadīth no: 2178⁴; Sunan Ibn Mājah, , ḥadīth no: 2018⁵. The spouses should avoid divorce as much as possible. If they have difficulties and problems they should try to work out their differences and seek help from others especially from their own their relatives. However, if the differences are irreconcilable, then divorce is permissible, but it should be done in a decent manner. The impact of divorce could bring negative effects on the individuals and their children are facing more.

It is reported by Department of Statistics⁶ that the number of Muslim marriages recorded in 2017 was 134,008 decreased 6.1 per cent as compared to 142,712 (2016); hence the number of divorces improved by 3.2 per cent from 51,642 (2016) to 49,965 (2017). However, the crude divorce rate (CDR) remained at 1.6 per 1,000 population and consequently, CDR among Muslim population is still high.

The government, through Islamic Development Department of Malaysia [Jabatan Kemajuan Islam Malaysia, JAKIM]⁷ has introduced pre-marriage course, which is carried out with the help of state religious departments, NGOs and other associations. However, there is no education after the divorce; whereby the divorce is a real phenomenon in Malaysia. It should be given appropriate attention by all parties, particularly the state governments which do have jurisdiction over Islamic affairs in their respective states.

PROBLEM STATEMENT

Lack of study focusing the usage of online divorce support management system. Hence, this paper highlights the potential of online learning as one of the proposed mechanism in managing divorce cases.

LITERATURE REVIEW

A reality known to all that a divorce causes many negative problems to all parties involved; particularly to the children of the divorcees such as poor academic, social, and psychological outcomes⁸. A variety of protective factors can increase the likelihood of long-term positive psychological adjustment⁹. In Malaysia, many studies have been conducted about the Muslim divorce; most seems to focus on the factors of the divorce and ways to prevent it. There are some studies focusing on post-divorce support in certain aspects such as on the law enforcement¹⁰, but less study found to focus on post-divorce support help, let it be alone to discuss about the post-divorce support centre. The main question remains is “how to educate those needed parties such as the divorcees and children to get related support advice?”. This lack may lead to chaos, distress & many other social problems, particularly on the children of divorced couples.

OBJECTIVE OF THE STUDY

This study aims to determine the potential of online learning as one of the proposed

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mechanism in managing divorce cases.

METHODOLOGY

This qualitative study uses interview method whereby the researchers have interviewed the *Qādi*¹ and *Timbalan Qādi* of Kuantan to get the information about the existing issues related to divorce cases. In short, in a session for a couple, a counsellor needs to spend at least three hours by listening and taking important notes. With the increasing trend of divorce cases, the counselling session delay many cases since there are limited qualified counsellors. Both respond positively when we propose the online platform for the divorcees and their children to get the needed help in coping their respective needs. This online platform for sure will help all parties involved.

To verify the qualitative findings, we performed quantitative analysis of the academic works from Google Scholars and Scopus. The reason for using Google Scholars is it wider coverage of scholarly works including websites. We used a software tool known as Harzing Publish or Perish that available for free download from it official website. The phrases we use in retrieving scholar works from the tool are:

Specific:

Title words: “divorce malaysia”

Keywords: “online, support, muslim”

General:

Title words: “divorce”

Keywords: “online, support, muslim”

RESULTS

For Google Scholars, the retrieved data shows that the specific search only results three (3) papers related to the search. Meanwhile the general search shows that there are 281 papers.

¹ *Qādi* is the head of the Islamic Religious Office Department.

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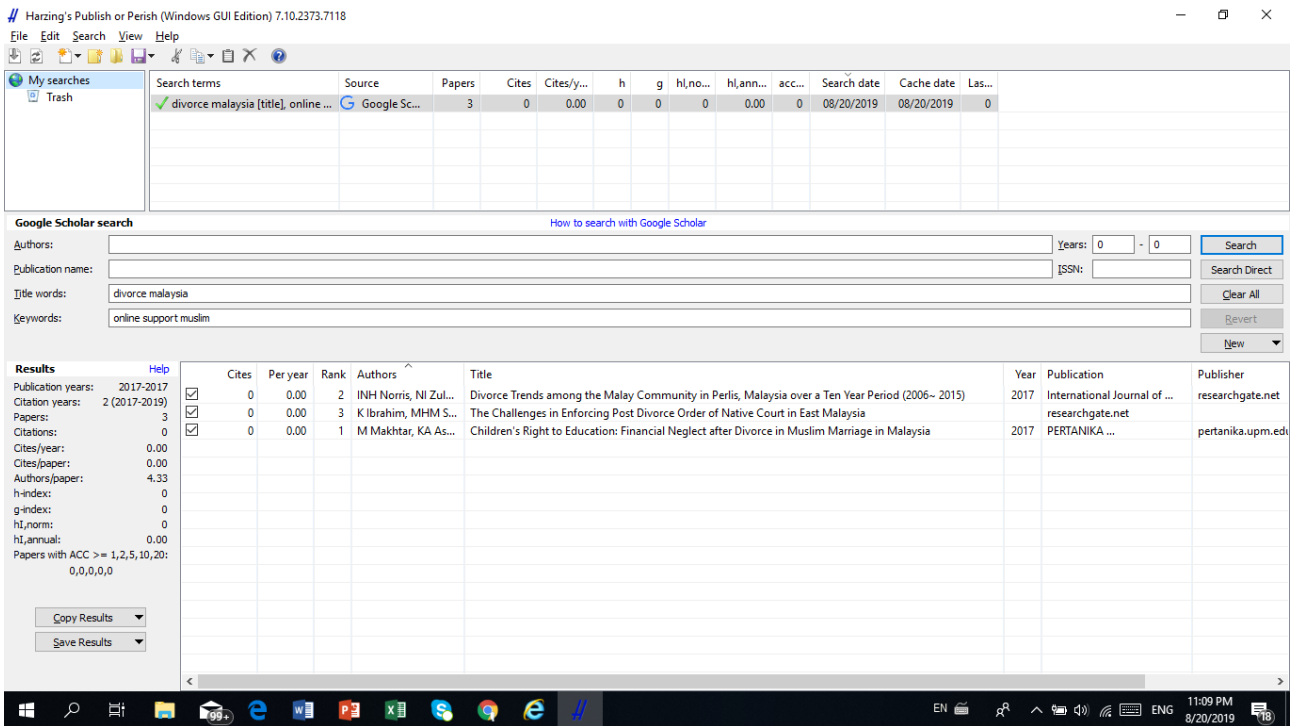


Figure 1: Specific search (Malaysia)

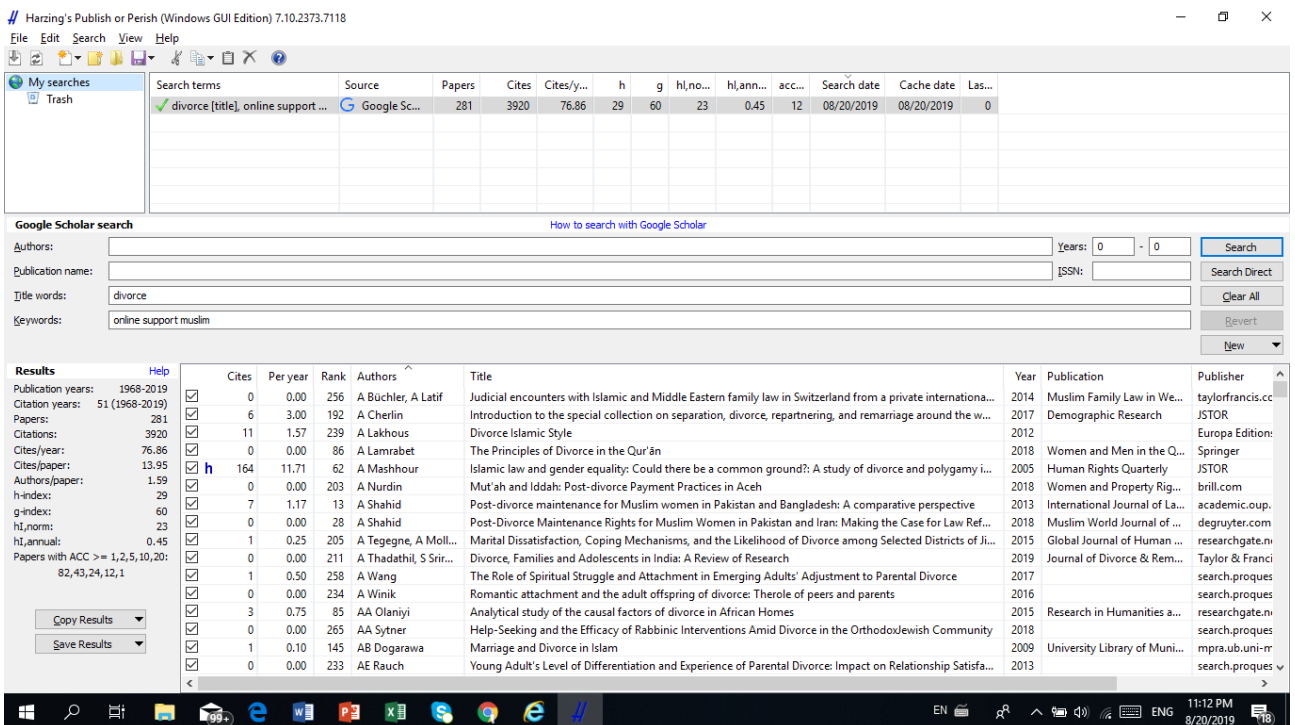


Figure 2: General search

However, the three (3) papers which shown above actually do not related to the online support divorce management. The first paper is about the divorce trends among the Malay community in Perlis¹¹, the second is about the challenges in enforcing post-divorce order¹² and the third paper is

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about the financial neglect after divorce¹⁰. For Scopus search, the retrieved data shows that there is no publication related to it in Malaysia.

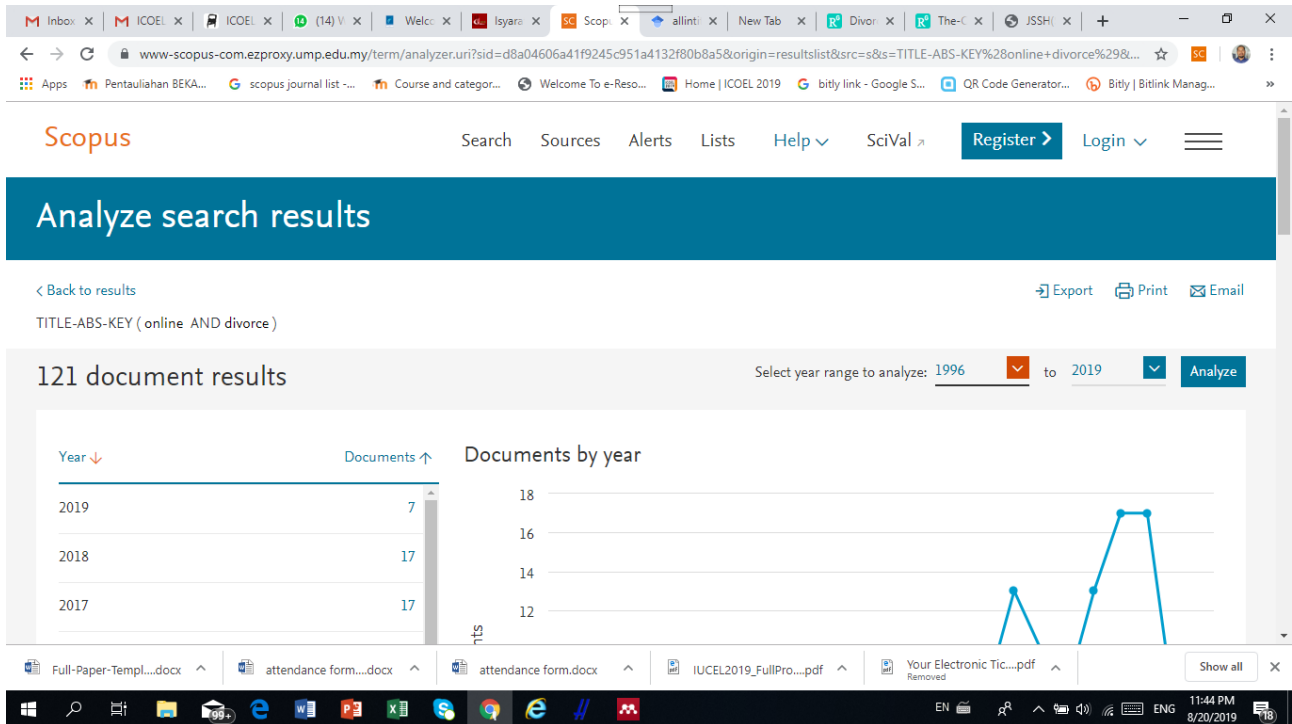


Figure 3: Online divorce search in Scopus

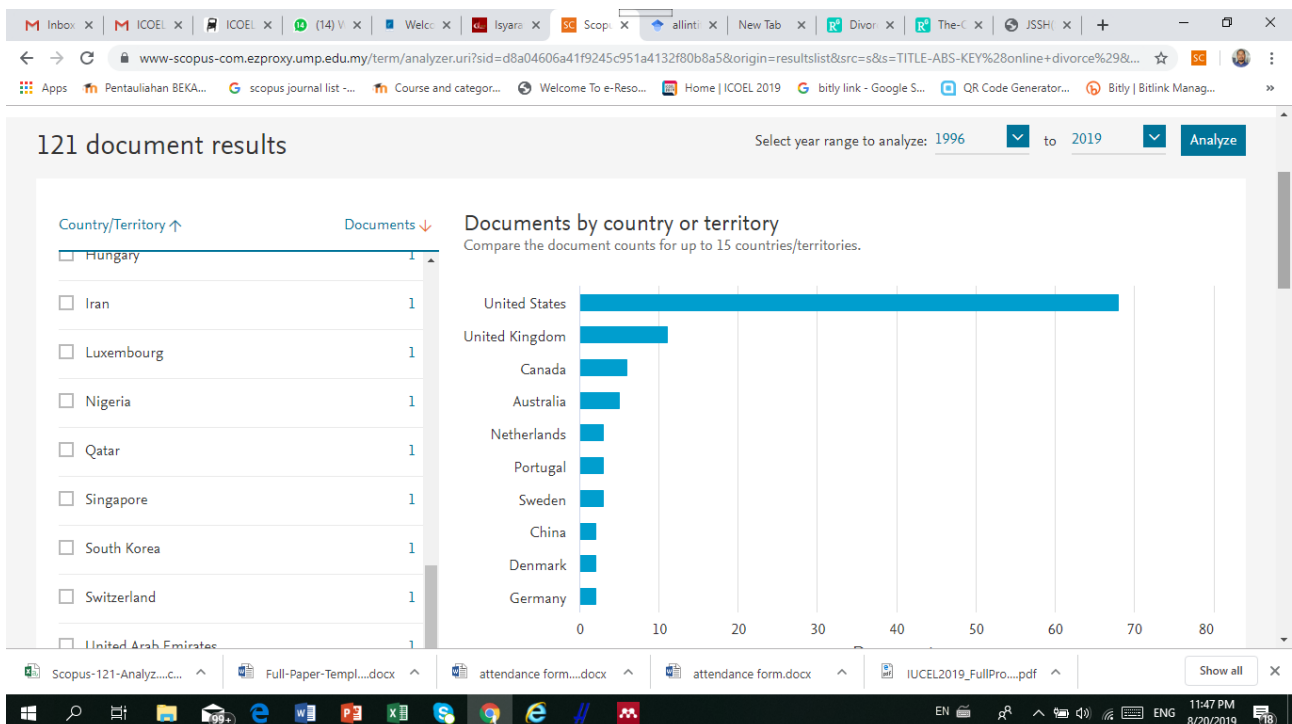


Figure 4: Documents by country

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DISCUSSION

In fact, the interviews conducted on 15th July 2018 (with the Qādi of Kuantan) and 16th of July 2019 (with the Deputy of Qādi), confirm that the responsibility of the Religious Office Department ends when the couple officially declared as divorcees. There is no official support help or programme for the divorcees, except if they want to make complaints about the ex-husband or ex-wife who does not fulfill obligations or claims that have been agreed in the court.



Figure 1: Existing process flow in managing divorce cases in Malaysia¹³

Therefore, this new proposed process flow for Kuantan religious department is introduced. Compared to existing process flow of the state religious departments as in Figure 1; this new process at the beginning includes “e-Kufu’ Assessment”¹⁴. This assessment can give computerized prediction on the main factors of the divorce objectively. This software helps any couples who intend to file a divorce to get the first picture of their main factor/s in the shaky relationship.

With this new help, the couples do not need to go to the compulsory counselling session prior to the divorce application. However, if the couple insist to go to the counselling session, then the counsellor has known the points to focus in dealing with the couple since e-Kufu’ software has shown the factors of the divorce.

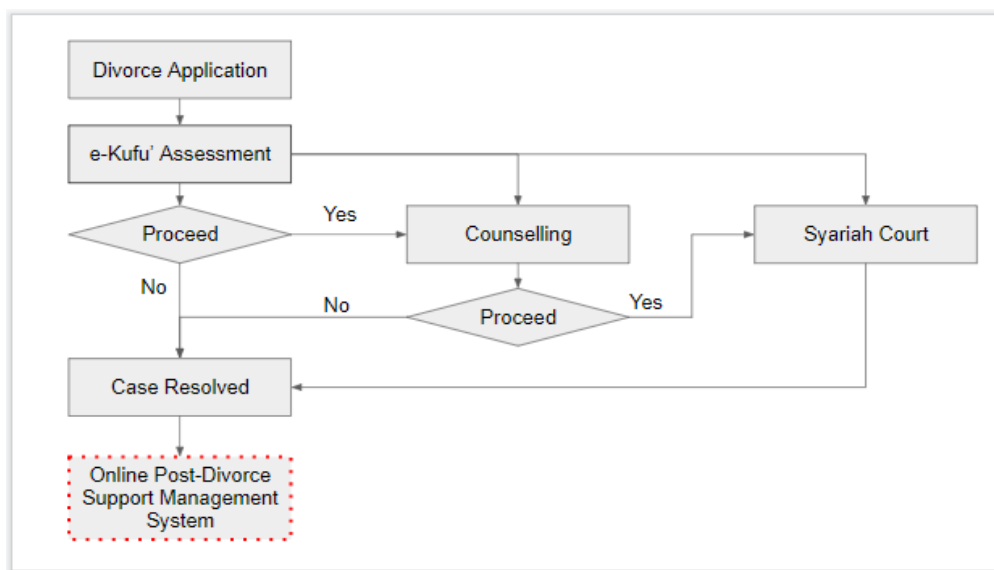


Figure 2: The new proposed process flow by the researchers

CONCLUSION

It seems that the best existing solution provided by Kuantan Islamic Religious Office, as well as the other state Islamic religious offices is the counselling session. This solution has proven is not practical much for people nowadays who are busy with their job and responsibilities. The traditional way is a long cost-consuming process which requires much patience and money from the claimants. The procedure becomes harder if the former husband/ wife refuses to cooperate and take responsibility. The impact would be on children who are forced to enter labour force before they enter adulthood since the group is the most affected individuals in many aspects such as the social, mental, emotional and financial. Protecting the best interests of all parties involved would be rather easier with the help of online learning which being integrated in the divorce support management system.

Religious departments should not only responsible for the registration process of marriage and divorce of Muslim couples. Its role should also be extended in guiding those who have been divorced, their children and family members.

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